

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

LEGISLATIVE HISTORY

Public Law 87-518
S. 860

TABLE OF CONTENTS

Index and summary of S. 860	.1
Digest of Public Law 87-518	.2

INDEX AND SUMMARY OF S. 860

Jan. 31, 1961	Rep. Wright introduced H. R. 3693 which was referred to the House Agriculture Committee. Print of bill as introduced.
Feb. 9, 1961	Sen. Humphrey introduced and discussed S. 860 which was referred to the Senate Agriculture and Forestry Committee. Print of bill and remarks by Sen. Humphrey.
July 18, 1961	Senate subcommittee approved S. 860 for full committee consideration.
July 19, 1961	Senate committee voted to report (but did not actually report) S. 860.
July 20, 1961	Senate committee reported S. 860 without amendment. S. Report No. 582. Print of bill and report.
July 25, 1961	Senate passed S. 860 without amendment.
July 26, 1961	S. 860 was referred to the House Agriculture Committee. Print of bill as referred.
Mar. 19, 1962	House subcommittee voted to report S. 860.
Mar. 22, 1962	House committee voted to report (but did not actually report) S. 860.
Mar. 28, 1962	House committee reported S. 860 with amendments. H. Report No. 1516. Print of bill and report.
Apr. 2, 1962	House passed S. 860 under suspension of the rules.
June 23, 1962	Senate agreed to House amendments.
July 2, 1962	Approved: Public Law 87-518.

DIGEST OF PUBLIC LAW 87-518

PROTECTION AGAINST DISSEMINATION OF ANIMAL AND POULTRY DISEASES. Authorizes the Secretary of Agriculture, whenever he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, to seize, quarantine, and dispose of animals which have been brought into this country or moved interstate in violation of a Federal quarantine, or which have been found on such movement to be infected with or exposed to any communicable disease dangerous to livestock or poultry. Authorizes the Secretary to take similar action in case of an extreme emergency threatening the livestock or poultry of the United States, such as an unchecked outbreak of foot-and-mouth disease. Authorizes the payment of certain indemnities for animals disposed of. Authorizes the issuance of regulations to implement the authority conferred by this act.

MISCELLANEOUS

MONDAY, MARCH 19, 1962

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON LIVESTOCK AND FEED GRAINS
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 1310, New House Office Building, Hon. W. R. Poage (chairman of the subcommittee) presiding.

Present: Representatives Poage, Jones, Matthews, Breeding, Purcell, Quie, Short, Latta, and Harvey.

Also present: Representative Reifel; Christine S. Gallagher, clerk; Hyde H. Murray, assistant clerk; and John J. Heimburger, counsel.

Mr. POAGE (presiding). The subcommittee will come to order.

The first matter that we have pending this morning is H.R. 3693 by our colleague, Mr. Wright. I understand that Dr. Clarkson is here from the Department. Do you care to make your presentation first, Mr. Wright?

Mr. WRIGHT. Either way, Mr. Chairman.

Mr. POAGE. You may proceed.

(H.R. 3693, together with the letter from the Department dated May 8, 1961, and S. 860, together with the report number 582 follow:)

[H.R. 3693, 87th Cong., 1st sess.]

A BILL To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act unless the context indicates otherwise—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "animals" means all members of the animal kingdom including birds, whether domesticated or wild, but not including man.

(c) The term "United States" means the States, Puerto Rico, Guam, the Virgin Islands of the United States, and the District of Columbia.

(d) The term "interstate" means from a State or other area included in the definition of "United States" to or through any other State or other such area.

SEC. 2. (a) The Secretary, whenever he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States: (1) any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry; (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movements were so affected or exposed.

(b) Whereas the existence of any extremely dangerous, communicable disease of livestock or poultry, such as foot-and-mouth disease, rinderpest, or European fowl pest, on any premises in the United States would constitute a threat to livestock and poultry of the Nation and would seriously burden interstate and foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the outbreak of such a disease anywhere in the United States, and that such outbreak threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease: *Provided*, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction. The Secretary shall notify the appropriate official of the State or other jurisdiction before any action is taken in any such State or other jurisdiction pursuant to this subsection.

(c) The Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine and to dispose of such animal, carcass, product, or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections. If such owner or agent fails to do so after receipt of such notice, the Secretary may take action as authorized by said subsections (a) and (b) and recover from such owner or agent the reasonable costs of any care, handling, and disposal incurred by the Secretary in connection therewith. Such costs shall not constitute a lien against the animals, carcasses, products, or articles involved. Costs collected under this section shall be credited to the current appropriation for carrying out animal disease control activities of the Department.

(d) Except as provided in subsection (e) of this section, the Secretary shall compensate the owner of any animal, carcass, product, or article destroyed pursuant to the provisions of this section. Such compensation shall be based upon the fair market value as determined by the Secretary, of any such animal, carcass, product, or article at the time of the destruction thereof. Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the animal, carcass, product, or article. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.

(e) No such payment shall be made by the Secretary for any animal, carcass, product, or article which knowingly has been moved or handled by the owner thereof or his agent in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease for which the animal, carcass, product, or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United States contrary to a law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

Sec. 3. The Secretary, in order to protect the health of the livestock or poultry of the Nation, may promulgate regulations requiring that railway cars; vessels; airplanes; trucks; and other means of conveyance; stockyards; feed, water, and rest stations; and other facilities, used in connection with the movement of animals into or from the United States, or interstate, be maintained in a clean and sanitary condition, including requirements for inspection, cleaning, and disinfection.

Sec. 4. The Secretary is authorized to promulgate regulations prohibiting or regulating the movement into the United States of any animals which are or have been affected with or exposed to any communicable animal disease, or which have been vaccinated or otherwise treated for any such disease, or which he finds would otherwise be likely to introduce or disseminate any such disease, when he determines that such action is necessary to protect the livestock or poultry of the United States.

Sec. 5. Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the

United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease; (2) to stop and inspect, without a warrant, any person or means of conveyance moving interstate upon probable cause to believe that such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any Federal judge, or any judge of a court of record in the United States, or any United States commissioner, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Such warrants may be executed by any authorized employee of the Department of Agriculture.

SEC. 6. (a) Whoever knowingly violates any regulation promulgated pursuant to the provisions of sections 1 through 5 of this Act shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both.

(b) The Secretary may bring an action to enjoin the violation of, or to compel compliance with, any regulation promulgated or order issued under said sections, or to enjoin any interference by any person with an employee of the Department of Agriculture in carrying out any duties under said sections, whenever the Secretary has reason to believe that such person has violated, or is about to violate, any such regulation or order, or has interfered, or is about to interfere, with any such employee. Such action shall be brought in the United States district court, or the United States court of any territory or possession, for the judicial district in which such person resides or transacts business or in which the violation, omission, or interference has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found, and subpoenas for witnesses who are required to attend the court in any judicial district in any such cases may run into any other judicial district.

SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat. 734), as amended (21 U.S.C. 114a), is further amended by inserting the words "any communicable diseases of livestock or poultry, including, but not limited to," after the word "eradicate".

SEC. 8. (a) The first section of the Act of March 3, 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "any animals", and by inserting after the word "disease" the words "of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exists in such State or territory or the District of Columbia".

(b) Sections 2, 3, and 4 of such Act (33 Stat. 1264 1265), as amended (21 U.S.C. 124, 125, 126), are further amended by striking out the phrase "cattle or other livestock" each time such phrase appears in those sections and inserting in lieu thereof the words "quarantined animals."

SEC. 9. The first proviso under the heading "General Expenses, Bureau of Animal Industry" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year end June thirtieth, nineteen hundred and fifteen", approved June 30, 1914 (38 Stat. 419), as amended (21 U.S.C. 128), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "quarantined animals."

SEC. 10. Section 1114 of title 18 of the United States Code is amended by inserting after "wild birds and animals," the following: "any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases,".

SEC. 11. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 12. The authority conferred by this Act shall be in addition to authority conferred by other statutes. Any provision of any other Act inconsistent with the provisions of this Act is hereby repealed.

SEC. 13. If any provision of this Act or application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 8, 1961.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives*

MY DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report on H.R. 3693, a bill "To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes."

H.R. 3693 would clarify and strengthen a number of provisions of the animal quarantine laws, which have been enacted from time to time since 1884 to meet particular situations in connection with specific animals, diseases or circumstances. This bill would fill gaps in our animal quarantine laws thus providing our Nation's farmers and ranchers more adequate protection against the introduction and dissemination of livestock and poultry diseases. The Department strongly supports the purposes of H.R. 3693 and recommends its enactment.

The bill would authorize the Secretary of Agriculture to properly dispose of animals which have been brought into this country or moved interstate in violation of a Federal quarantine, or which have been found on such movement to be infected with or exposed to any communicable disease dangerous to livestock or poultry. It would permit the Secretary to act in case of an extreme emergency threatening the livestock or poultry of the United States, such as an unchecked outbreak of foot-and-mouth disease. In addition, the bill would authorize the payment of certain indemnities, the promulgation of necessary regulations in connection with the cleaning and disinfection of conveyances and other facilities, and necessary inspection operations. It would broaden the Secretary's authority to prohibit or regulate the importation of animals to prevent the introduction or spread of livestock or poultry diseases. This bill is designed to make existing programs more effective and to round out the Department's authority to cooperate with the States. Enactment of H.R. 3693 would not require an increase in the Department's appropriation.

There is attached a more detailed analysis and explanation of H.R. 3693 which may be of use to the committee.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

CHARLES S. MURPHY, *Acting Secretary.*

[S. 860, 87th Cong., 1st sess.]

AN ACT To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act unless the context indicates otherwise—

- (a) The term "Secretary" means the Secretary of Agriculture.
- (b) The term "animals" means all members of the animal kingdom including birds, whether domesticated or wild, but not including man.
- (c) The term "United States" means the States, Puerto Rico, Guam, the Virgin Islands of the United States, and the District of Columbia.
- (d) The term "interstate" means from a State or other area including in the definition of "United States" to or through any other State or other such area.

SEC. 2. (a) The Secretary, whenever he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States: (1) any animals which he

finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry; (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movement were so affected or exposed.

(b) Whereas the existence of any extremely dangerous, communicable disease of livestock or poultry, such as foot-and-mouth disease, rinderpest, or European fowl pest, on any premises in the United States would constitute a threat to livestock and poultry of the Nation and would seriously burden interstate and foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the outbreak of such a disease anywhere in the United States, and that such outbreak threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any disease: *Provided*, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction. The Secretary shall notify the appropriate official of the State or other jurisdiction before any action is taken in any such State or other jurisdiction pursuant to this subsection.

(c) The Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine and to dispose of such animal, carcass, product, or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections. If such owner or agent fails to do so after receipt of such notice, the Secretary may take action as authorized by said subsections (a) and (b) and recover from such owner or agent the reasonable costs of any care, handling, and disposal incurred by the Secretary in connection therewith. Such costs shall not constitute a lien against the animals, carcasses, products, or articles involved. Costs collected under this section shall be credited to the current appropriation for carrying out animal disease control activities of the Department.

(d) Except as provided in subsection (e) of this section, the Secretary shall compensate the owner of any animal, carcass, product, or article destroyed pursuant to the provisions of this section. Such compensation shall be based upon the fair market value as determined by the Secretary, of any such animal, carcass, product, or article at the time of the destruction thereof. Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the animal, carcass, product, or article. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.

(e) No such payment shall be made by the Secretary for any animal, carcass, product, or article which knowingly has been moved or handled by the owner thereof or his agent in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease, for which the animal, carcass, product, or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

SEC. 3. The Secretary, in order to protect the health of the livestock or poultry of the Nation, may promulgate regulations requiring that railway cars; vessels; airplanes; trucks; and other means of conveyance; stockyards; feed, water, and rest stations; and other facilities, used in connection with the movement of animals into or from the United States, or interstate, be maintained in a clean and sanitary condition, including requirement for inspection, cleaning, and disinfection.

SEC. 4. The Secretary is authorized to promulgate regulations prohibiting or regulating the movement into the United States of any animals which are or have been affected with or exposed to any communicable animal disease, or which

have been vaccinated or otherwise treated for any such disease, or which he finds would otherwise be likely to introduce or disseminate any such disease, when he determines that such action is necessary to protect the livestock or poultry of the United States.

SEC. 5. Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease; (2) to stop and inspect, without a warrant, any person or means of conveyance moving interstate upon probable cause to believe that such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any Federal judge, or any judge of a court of record in the United States, or any United States commissioner, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Such warrants may be executed by any authorized employee of the Department of Agriculture.

SEC. 6. (a) Whoever knowingly violates any regulation promulgated pursuant to the provisions of sections 1 through 5 of this Act shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both.

(b) The Secretary may bring an action to enjoin the violation of, or to compel compliance with, any regulation promulgated or order issued under said sections, or to enjoin any interference by any person with an employee of the Department of Agriculture in carrying out any duties under said sections, whenever the Secretary has reason to believe that such person has violated, or is about to violate, any such regulation or order, or has interfered, or is about to interfere, with any such employee. Such action shall be brought in the United States district court, or the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the violation, omission, or interference has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found, and subpoenas for witnesses who are required to attend the court in any judicial district in any such cases may run into any other judicial district.

SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat. 734), as amended (21 U.S.C. 114a), is further amended by inserting the words "any communicable diseases of livestock or poultry, including, but not limited to," after the word "eradicate".

SEC. 8. (a) The first section of the Act of March 3, 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "any animals", and by inserting after the word "disease" the words "of livestock or poultry or that contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia".

(b) Sections 2, 3, and 4 of such Act (33 Stat. 1264, 1265), as amended (21 U.S.C. 124, 125, 126), are further amended by striking out the phrase "cattle or other livestock" each time such phrase appears in those sections and inserting in lieu thereof the words "quarantined animals".

SEC. 9. The first proviso under the heading "General Expenses, Bureau of Animal Industry" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fifteen", approved June 30, 1914 (38 Stat. 419), as amended (21 U.S.C. 128), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "quarantined animals".

SEC. 10. Section 1114 of title 18 of the United States Code is amended by inserting after "wild birds and animals," the following: "any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry

out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases.”.

SEC. 11. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 12. The authority conferred by this Act shall be in addition to authority conferred by other statutes. Any provision of any other Act inconsistent with the provisions of this Act is hereby repealed.

SEC. 13. If any provision of this Act or application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Passed the Senate July 25, 1961.

Attest:

FELTON M. JOHNSTON, *Secretary.*

[S. Rept. 582, 87th Cong., 1st sess.]

ANIMAL QUARANTINE LAWS

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 860) to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes, having considered the same, report thereon with a recommendation that it do pass without amendment.

GENERAL PURPOSE OF BILL

This bill, except for minor changes of a technical nature, is identical to S. 864 of last Congress, as passed by the Senate on July 16, 1959. It is designed to close a number of gaps which have shown up in the animal quarantine laws and to clarify authority for certain actions under such laws. Those laws have been enacted from time to time to meet particular situations. They are applicable to specific animals, diseases, or circumstances, and fail to cover, or provide different authority with respect to, other animals, diseases, and circumstances where there is a need for uniform, broad authority. The bill is designed to provide such authority for all cases of like need.

For instance section 11 of the act of May 29, 1884, gives the Secretary certain control and eradication authority with respect to a long list of named diseases. It has been amended from time to time to add additional diseases. The bill would make it applicable to all communicable diseases of livestock or poultry.

Sections 1 through 4 of the act of March 3, 1905, provide quarantine measures for cattle and livestock. The bill would extend these provisions to all animals.

Section 1 of the act of March 3, 1905, authorizes quarantine of any State in which there are diseased livestock. The bill extends section 1 to States in which the contagion, or vectors which may disseminate the disease exist, even though there are no diseased livestock.

Section 2 of the act of February 2, 1903, authorizes the Secretary to seize, quarantine, and dispose of hay, straw, forage, or similar material. Section 2(b) of the bill authorizes the Secretary to seize, quarantine, and dispose of any articles which he finds were so related to certain animals as to be likely to be a means of disseminating disease.

These are but a few examples of the gaps which would be filled by the bill. The bill would increase the Secretary's seizure authority; clarify his authority to restrict imports; increase authority for inspection and for sanitary regulations, and provide injunction authority. The purpose of the bill is to provide adequate safeguards for the protection from disease of our domestic livestock and poultry industry.

DETAILS OF BILL

The bill would—

(1) authorize seizure, quarantine, and disposal of animals—

(A) moved or handled in interstate or foreign commerce contrary to Federal quarantine laws and regulations,

(B) moved into the United States or interstate while affected with or exposed to a communicable disease dangerous to livestock or poultry, or

(C) affected with or exposed to an extremely dangerous disease creating an extraordinary emergency, but only if State or other authorities are not taking adequate measures (and in such case seizure, quarantine and disposal of carcasses of such animals and contaminated products and articles would also be authorized);

(2) require payment of indemnity in an amount not exceeding the difference between the fair market value and the compensation received from a State or other source for any animal, product, or article so disposed of, except one moved or handled contrary to certain Federal or State quarantine laws and regulations;

(3) authorize sanitary regulations for conveyances, stockyards, feed, and other facilities used in connection with moving animals into or from the United States, or interstate;

(4) authorize regulations restricting or prohibiting importation of animals likely to disseminate disease if necessary to protect domestic livestock or poultry;

(5) authorize inspection of—

(A) persons and conveyances moving into the United States;

(B) persons and conveyances moving interstate upon probable cause;

and

(C) premises with a warrant;

(6) provide penalties of fine and imprisonment for violation of the regulations under the preceding provisions and authorize enforcement of the preceding provisions and regulations thereunder through injunction;

(7) extend to all communicable diseases of livestock or poultry the Secretary's authority under section 11 of the act of May 29, 1884, to eradicate named diseases by purchase, destruction, indemnities, and otherwise;

(8) authorize the quarantine of any State, territory, or the District of Columbia, or any portion thereof, if the contagion of or vectors which may spread, any contagious, infectious, or communicable disease exist therein, and extend the first four sections of the act of March 3, 1905, and the related provision in the act of June 30, 1914, to all animals (instead of livestock and poultry); and

(9) make it clear that Federal officers performing any function authorized by the Secretary of Agriculture under any Federal or State quarantine program would be covered by laws prohibiting interference with Federal officers.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE.

Washington, D.C., May 8, 1961.

HON. ALLEN J. ELLENDER,

*Chairman, Committee on Agriculture and Forestry,
U.S. Senate.*

MY DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report on S. 860, a bill to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

Senate bill 860 would clarify and strengthen a number of provisions of the animal quarantine laws, which have been enacted from time to time since 1884 to meet particular situations in connection with specific animals, diseases, or circumstances. This bill would fill gaps in our animal quarantine laws thus providing our Nation's farmers and ranchers more adequate protection against the introduction and dissemination of livestock and poultry diseases. The Department strongly supports the purposes of S. 860 and recommends its enactment.

The bill would authorize the Secretary of Agriculture to properly dispose of animals which have been brought into this country or moved interstate in violation of a Federal quarantine, or which have been found on such movement to be infected with or exposed to any communicable disease dangerous to livestock or poultry. It would permit the Secretary to act in case of an extreme emergency threatening the livestock or poultry of the United States, such as an unchecked outbreak of foot-and-mouth disease. In addition, the bill would authorize the payment of certain indemnities, the promulgation of necessary regulations in connection with the cleaning and disinfection of conveyances and other facilities, and necessary inspection operations. It would broaden the Secretary's authority to prohibit or regulate the importation of animals to prevent the introduction or spread of livestock or poultry diseases. This bill is designed to

make existing programs more effective and to round out the Department's authority to cooperate with the States. Enactment of S. 860 would not require an increase in the Department's appropriation.

There is attached a more detailed analysis and explanation of S. 860 which may be of use to the committee.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

CHARLES S. MURPHY, *Acting Secretary.*

ANALYSIS OF S. 860

Section 1

There is no definition of "Secretary" or "animals" in the present animal quarantine laws. There is considerable variation in the descriptions of the animals to which the laws apply.

The present statutes relating to imports and exports refer to the United States and most of those relating to interstate commerce refer to the States, the territories, and the District of Columbia. Section 3 of the act of May 29, 1884, as amended (21 U.S.C. 114) refers to States and territories and section 11 of that act (21 U.S.C. 114a) refers to the States, the District of Columbia, Puerto Rico, and the territories and possessions. The term "territories" has been construed to mean the organized territories such as Puerto Rico, Guam, and the Virgin Islands of the United States. Section 401 of the Tariff Act of 1930, as amended (19 U.S.C. 1401) defines "United States" so as to except the Virgin Islands, Guam, and certain other areas for purposes of the animal quarantine provisions in section 306 of that act (19 U.S.C. 1306).

Section 2

Section 2(a) of the bill confers additional authority to seize, quarantine, and dispose of animals (including poultry) on the basis of their movement or handling contrary to the animal quarantine laws or regulations or on the basis of the movement of the animals into the United States or interstate while affected with or exposed to any communicable disease dangerous to livestock or poultry. Section 2(b) of the bill provides that in case the Secretary determines an extraordinary emergency exists because of the outbreak of an extremely dangerous, communicable disease of livestock or poultry, which threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of animals (including poultry) affected with or exposed to such disease, and their carcasses and related products and articles. Provision is made for payment of compensation except in certain circumstances. Such compensation would be based on fair market value. The authority of section 2 is not dependent on cooperation of any State or other jurisdiction or organization or individual.

Under section 11 of the act of May 29, 1884, as amended (21 U.S.C. 114a) the Secretary is authorized, either independently or in cooperation with States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States, certain organizations, and individuals, to control and eradicate specified diseases of animals (including poultry), incipient or potentially serious minor outbreaks of animal diseases, and contagious or infectious diseases of animals which are deemed to constitute an emergency and threaten the livestock industry, including the payment of claims growing out of the destruction of animals (including poultry), and of materials, affected by or exposed to any such disease. This section contemplates a program in which participation by the owner of the animals and materials is voluntary so far as the Federal Government is concerned.

Section 8 of the act of August 30, 1890 (21 U.S.C. 103), authorizes the Secretary to slaughter any ruminants or swine imported into the United States which are adjudged to be infected with any contagious disease or to have been exposed to infection so as to be dangerous to other animals, and to pay the value of exposed animals so slaughtered to the owners thereof, except that no payment may be made for animals imported in violation of the act.

Paragraph (c) of section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) authorizes the Secretary to prescribe in regulations the terms and conditions for the destruction of ruminants and swine and meat thereof offered for entry from a country where foot-and-mouth disease or rinderpest exists and refused admission into the United States, unless such animals and meat are exported by the consignee within the time fixed therefor in the regulations. Sec-

tion 306 also authorizes seizure and disposal of zoo animals allowed entry under its provisions and thereafter not handled as required under the section.

Under section 2 of the act of February 2, 1903, as amended (21 U.S.C. 111), the Secretary is authorized to seize, quarantine, and dispose of hay, straw, forage, or similar material, or any animal products, being imported or moving interstate, in order to guard against the introduction or spread of the contagion of disease.

Section 3

The Secretary has authority under sections 4 and 5 of the act of May 29, 1884, as amended, section 10 of the act of August 30, 1890, and the act of February 2, 1903, as amended (21 U.S.C. 105, 111, 112, 113, 120) to require the cleaning and disinfecting of means of conveyance and facilities to prevent the dissemination of communicable diseases of livestock and poultry into or from the United States or interstate. The authority contained in section 3 of the bill would provide additional protection of the general health of livestock and poultry.

Section 4

Section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) prohibits the importation of cattle, sheep, other ruminants and swine, and fresh, chilled, or frozen meat of such animals, from countries where foot-and-mouth disease or rinderpest is determined by the Secretary to exist. Under section 9 of the act of August 30, 1890 (21 U.S.C. 101) the President is authorized to suspend by proclamation the importation of all or any class of animals for a limited time when in his opinion such action is necessary for the protection of animals in the United States against contagious diseases, and to change, revoke, or renew such proclamation as the public good may require. The Secretary has some authority under the 1890 act and the act of February 2, 1903, as amended, to regulate imports of animals but clarification and extension of his authority in this field is deemed necessary for adequate protection against dissemination of livestock and poultry diseases.

Section 5

Section 5 of the bill has no counterpart in existing animal quarantine legislation but is similar to provisions in section 107 of the Federal Plant Pest Act (7 U.S.C. 150ff).

Section 6

Section 6 of the bill provides criminal penalties similar to those provided in section 3 of the act of February 2, 1903, as amended and section 6 of the act of March 3, 1905, as amended (21 U.S.C. 122, 127). In addition section 6 provides for injunctive enforcement procedures.

Section 7

Section 7 of the bill would amend section 11 of the act of May 29, 1884, as amended (21 U.S.C. 114a) to authorize the Secretary to control and eradicate any communicable disease of livestock or poultry instead of only the diseases now specified in said section 11.

Section 8

The first section of the act of March 3, 1905, as amended (21 U.S.C. 123) authorizes the Secretary to quarantine any State or territory or the District of Columbia, or any portion thereof, when he determines that livestock or poultry in such State, territory, or District are affected with any communicable disease. Section 8(a) of the bill would amend this section of the 1905 act to authorize the Secretary to so quarantine when he determines that any animals or poultry in such State, territory, or District are affected with a communicable disease of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State, territory, or District.

Section 2 of the 1905 act prohibits the delivery and receipt for transportation interstate, and the interstate movement, from an area quarantined under the first section of the act, of livestock or poultry except as provided in section 4 of the act. Section 3 of the act authorizes the Secretary to promulgate regulations permitting and governing the interstate movement of livestock or poultry from such a quarantined area. Section 4 of the act permits the interstate movement of livestock or poultry from such a quarantined area under the regulations of the

Secretary. Section 8(b) of the bill would amend these provisions of the 1905 act to make them applicable to any animals or poultry quarantined under the first section of the bill.

Section 9

This provision in the Department's Appropriation Act approved June 30, 1914, as amended, provides that the 1905 act shall apply to any common carrier whose road or line forms any part of a route over which livestock or poultry are transported in the course of interstate shipment from a quarantined area. Section 9 of the bill would amend this provision of the Appropriation Act to make it consistent with the 1905 act as amended by the bill.

Section 10

Section 10 of the bill would specifically include the departmental employees performing the designated functions within the protection afforded certain Federal employees against assaults, other interferences, and homicide under sections 111 and 1114 of title 18, United States Code.

Section 11

Section 11 would authorize the issuance of regulations deemed necessary to carry out the provisions of the bill.

Section 12

Section 12 of the bill expresses the relation of the bill to other laws.

Section 13

Section 13 of the bill contains the usual savings provision in case of invalidation of the act in any respect.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman) :

SECTION 11 OF THE ACT OF MAY 29, 1884 (21 U.S.C. 114a)

§ 114a. Control and eradication of diseases; cooperation of States and farmers' associations; purchase and destruction of diseased animals; definition of State.

The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers' associations and similar organizations, and individuals, is authorized to control and eradicate *any communicable diseases of livestock or poultry, including, but not limited to*, tuberculosis and paratuberculosis of animals, avian tuberculosis, brucellosis of domestic animals, southern cattle ticks, hog cholera and related swine diseases, scabies in sheep and cattle, dourine in horses, scrapie and blue tongue in sheep, incipient or potentially serious minor outbreaks of diseases of animals, and contagious or infectious diseases of animals (such as foot-and-mouth disease, rinderpest, and contagious pleuropneumonia) which in the opinion of the Secretary constitute an emergency and threaten the livestock industry of the country, including the payment of claims growing out of destruction of animals (including poultry), and of materials, affected by or exposed to any such disease, in accordance with such regulations as the Secretary may prescribe. As used in this section, the term "State" includes the District of Columbia, Puerto Rico, and the Territories and possessions of the United States.

SECTIONS 1 THROUGH 4 OF THE ACT OF MARCH 3, 1905 (21 U.S.C. 123, 124, 125 AND 126)

§ 123. Quarantine.

The Secretary of Agriculture is authorized and directed to quarantine any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that **[cattle or other livestock]** *any animal* and/or live poultry in such State or Territory or District of Columbia are affected with any contagious, infectious, or

communicable disease of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia; and the Secretary of Agriculture is directed to give written or printed notice of the establishment of quarantine to the proper officers of railroad, steamboat, or other transportation companies doing business in or through any quarantined State or Territory or the District of Columbia, and to publish in such newspapers in the quarantined State or Territory or the District of Columbia, as the Secretary of Agriculture may select, notice of the establishment of quarantine.

§ 124. Transportation or delivery therefor from quarantine State or Territory or portion thereof, of livestock and live poultry, forbidden.

No railroad company or the owners or masters of any steam or sailing or other vessel or boat shall receive for transportation or transport from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any [cattle or other livestock] *quarantined animals*, and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or to the master or owner of any boat or vessel, and [cattle or other livestock] *quarantined animals* and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance or cause to be transported in private conveyance, from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any [Cattle or other livestock] *quarantined animals* and/or live poultry, except as hereinafter provided.

§ 125. Regulations for inspection, disinfection, and certification, and delivery and shipment of livestock and live poultry from quarantined State or Territory.

It shall be the duty of the Secretary of Agriculture, and he is authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of [cattle or other livestock] *quarantined animals* and/or live poultry from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia; and the Secretary of Agriculture shall give notice of such rules and regulations in the manner provided in section 124 of this title for notice of establishment of quarantine.

§ 126. Moving livestock and live poultry from quarantined State or Territory, under regulations.

[Cattle or other livestock] *Quarantined animals* and/or live poultry may be moved from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, under and in compliance with the rules and regulations of the Secretary of Agriculture, made and promulgated in pursuance of the provisions of section 125 of this title; but it shall be unlawful to move, or to allow to be moved, any [cattle or other livestock] *quarantined animals* and/or live poultry from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State of Territory or the District of Columbia, into any other State or Territory or the District of Columbia, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture.

THE FIRST PROVISIO UNDER THE HEADING "GENERAL EXPENSES, BUREAU OF ANIMAL INDUSTRY" IN THE ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND FIFTEEN" (21 U.S.C. 128)

§ 128. Extension of quarantine law to carriers in interstate commerce.

The provisions of sections 123-127 of this title shall apply to any railroad company or other common carrier whose road or line forms any part of a route over which [cattle or other livestock] *quarantined animals* and/or live poultry

are transported in the course of shipment from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia.

TITLE 18, UNITED STATES CODE

§ 111. Assaulting, resisting, or impeding certain officers or employees.

Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties, shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

Whoever, in the commission of any such acts uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

§ 1114. Protection of officers and employees of the United States.

Whoever kills any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any post-office inspector, any officer or employee of the secret service or the Bureau of Narcotics, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, *any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases*, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management, any employee of the Bureau of Animal Industry of the Department of Agriculture, or any officer or employee of the Indian field service of the United States, or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title.

STATEMENT OF HON. JAMES C. WRIGHT, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. WRIGHT. Mr. Chairman and members of the committee, H.R. 3693 was introduced by me last year, in response to suggestions that had been made to me by representatives of the American Cattlemen's Association and of the National Wool Grower's Association. Both of those groups have pointed out that there exist presently in the animal quarantine and inspection laws some potentially dangerous loopholes and gaps. The aim of this bill is to plug up those loopholes and to give to the Secretary of Agriculture authority to inspect, quarantine, and in some cases dispose of animals which have been exposed to dangerous communicable animal diseases.

From time to time, since 1884, the Congress has enacted specific and particular bits of legislation aimed at the control and eradication of certain specific animal diseases, particularly, such diseases as rin-

derpest and foot-and-mouth disease. Now, however, the Department of Agriculture points out that there is a need to draw together in one bill the inspection and quarantine rights, so that they would apply to all dangerous communicable animal diseases that could infect and infest the livestock industry in the country to the detriment of all those in the industry.

The committee will recall that at the time I appeared last year it was remarked that in the previous year, our colleague, Mr. Fisher, of Texas, had presented such a bill, and that certain questions had been raised with regard to that bill as to whether it broadened too greatly the powers of the Secretary of Agriculture to the extent of impinging upon the rights and freedoms of people transporting and selling livestock. The question was asked of me as to whether this present bill had adequately compensated for the objections that had been made to that earlier bill.

At that time I was not prepared to give a careful section-by-section analysis of the restrictions that had been placed, pursuant to those objections by members of this committee, upon the powers of the Secretary of Agriculture, but I believe now that I am able to do so. If the members of the committee will bear with me briefly I would like to give you a section-by-section analysis of the bill in order that we might discuss those particular matters with specific reference to the restrictions that are imposed in this bill upon the exercise of the powers of the Secretary of Agriculture.

Beginning with the definitions in the very first part of the bill, what we are doing is simply broadening the scope of the quarantine and inspection authorities of the Secretary and the Department of Agriculture so as not to restrict them to specific diseases. For instance, we have discovered recently that African swine fever and African parasites have escaped from the former epidemic areas of Africa, and that they are potentially extremely dangerous. The annual loss from diseases and parasites of all kinds to the animals and poultry in the United States comes to some \$2,700 million annually. So we seek, in the definitions, to give to the Department of Agriculture the same powers they have had in the past over specific and restricted animal diseases, so that they will apply to all dangerous communicable animal diseases that could threaten the livestock industry of the United States.

Section 2 conveys to the Secretary, when he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, the right to seize or quarantine and dispose of in a reasonable manner, taking into consideration the nature of the disease and the necessity of such action to protect the livestock and poultry of the United States:

(1) any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry; (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movements were so affected or exposed.

Subsection (b) of section 2 gives him powers when he determines that an extraordinary emergency exists—

because of the outbreak of such a disease anywhere in the United States—

and when he finds that such an outbreak threatens the livestock or the poultry of the country to—

seize, quarantine and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease.

However, there is a provision at the end of subsection (b) which confers upon him the responsibility to cooperate with the States. This acts as a restriction upon his authorities in that it is—

provided, that action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction.

And even then the Secretary is required to notify the appropriate official of the State or other jurisdiction before any action is taken in such State or jurisdiction.

Now subsection (c) provides that—

the Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine and to dispose of such animal, carcass, product or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections.

Subsection (d) requires the Department of Agriculture to compensate—

the owner of any animal, carcass, product or article destroyed pursuant to the provisions of this section,

with one exception only, wherein it states:

such compensation shall be based upon the fair market value as determined by the Secretary of any such animal, carcass, product or article at the time of the destruction thereof.

Subsection (e) describes the only exception to that requirement that the owner be compensated, and that exception applies only as described in subsection (e), which provides—

no such payment shall be made by the Secretary for any animal, carcass, product or article which knowingly has been moved or handled by the owner thereof or his agent in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease for which the animal, carcass, product or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United States contrary to a law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

Section 3 permits the Secretary to promulgate regulations of a sanitary character for means of conveyance and facilities handling these animals, railway cars, airplanes, trucks, and other means of conveyance, stockyards, feed, water and rest stations and other facilities.

Section 4 is a regulation which prohibits importing. It permits the Secretary to promulgate regulations prohibiting or regulating the importing into the United States of animals which are found to have

been affected with or exposed to these dangerous communicable diseases.

Section 5 may have been a point of controversy in the earlier bill. It allows the Department to stop and inspect animals moving into the United States and into interstate commerce.

Now subsection (1) allows the Department of Agriculture—

to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such persons or means of conveyance is carrying any animal, carcass, product or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease.

And subsection (2) of section 5 allows him—

to stop and inspect, without a warrant, any person or means of conveyance moving interstate upon probable cause to believe that such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease.

And then subsection (3) of section 5 allows him—

to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations.

And section 6 provides penalties for knowing violations with a fine not exceeding \$1,000 or imprisonment not exceeding 1 year.

Section 6(b) grants the Secretary some injunctive powers that the Department has not heretofore had. He can bring an action to enjoin the violation of any regulations entered into pursuant to this act or can enjoin any interference by any person with an employee of the Department of Agriculture in carrying out the duties conferred upon him by this act.

Section 7 simply broadens the prohibited diseases under the law, as I mentioned a moment ago, by amending the old act so as to insert the words, "any communicable disease of livestock or poultry, including, but not limited to," after the word "eradicate."

Section 8 similarly broadens the scope of the law as to animals affected. Heretofore, there has been some question as to just which animals were involved in the quarantine laws. Poultry, for instance, have been in a field of question, but in this case it makes it clear that it is to apply to livestock or poultry, or that the contagion of any disease exists, or vectors which may disseminate any such disease exists in such State or territory or the District of Columbia. And we would hark back to the very first page, where the definition, under subsection (b) defines, "the term 'animals' to mean all members of the animal kingdom including birds, whether domesticated or wild, but not including man"—which is some consolation to us.

The rest of the act is primarily technical. Section 9 similarly broadens the language of the old act so as to refer to quarantined animals.

Section 10 makes it clear that it does apply in the territories of the United States, in some of which the old act did not apply.

Section 11 allows the Secretary to issue regulations for carrying out the provisions of the act. And sections 12 and 13 are the usual savings clauses contained in all such legislation.

Mr. POAGE. Thank you very much, Mr. Wright. I do not know how far we ought to go in asking questions at this time. We have Dr. Clarkson here to testify.

I would call your attention to one or two things which seem to me still need attention. There may be no harm in it, but this bill still contains the words "extremely dangerous." No one on earth so far has ever explained to us what "extremely dangerous" was. Those were the words in the old bill.

It seems to me to be sort of a rather useless type of use of words. "Extremely dangerous" has no different meaning from "dangerous," does it?

Mr. WRIGHT. Only in degree.

Mr. POAGE. It has no legal difference at all.

Mr. WRIGHT. I would think not legally at all.

Mr. POAGE. I do not think it has.

Mr. WRIGHT. It is a question of semantics.

Mr. POAGE. I think so.

Mr. WRIGHT. I am sure that the chairman is not antisemantic.

Mr. POAGE. The committee did not like it the last time, and I can see no use of the word.

Mr. WRIGHT. I think that there would be no objection to removing it, to removing any superfluous or redundant language.

Mr. POAGE. On page 5 there is a provision which states:

No such payment shall be made by the Secretary for any animal, carcass, product or article which knowingly has been moved or handled by the owner thereof or his agent in violation of a law or regulation administered by the Secretary.

The only fear I have is that a man might move an animal not knowing it was infected with hoof-and-mouth disease or some other dangerous disease but, of course, knowing that he was moving it. It has been my opinion that that is not exactly right. The owner then might not know what someone else knew. And then the Government comes in and confiscates the cattle and disposes of them.

I am just wondering whether or not that man would get compensated under this wording. They have been moved—knowingly moved, but possibly without any knowledge that they had a disease.

I think the bill clearly intends to limit this to the situations where the present owner does those acts. That present owner could not receive compensation—or anyone who knowingly did these things. I think that is the intention of it clearly, but is it defined in that way?

Mr. WRIGHT. That is my intention, Mr. Chairman. I am sure that it would be the intention of the committee. And I would certainly hope that it would be the intention of the Department. I would certainly be amenable to either of two means of making this abundantly clear; either to spell it out in the committee report that accompanies the bill so that innocent purchasers are not to be discriminated against, or to revise, if the committee in its wisdom so desires, the language contained in subsection (e) on page 5 so as to make it read that no such payment shall be made by the Secretary for any animal, carcass, product or article to any person who has knowingly moved or handled.

Mr. POAGE. That is what I think we ought to do. I think that is in line with what is intended here.

Mr. Murray, will you make a note of that?

Mr. MURRAY. Yes, sir.

Mr. POAGE. And get the correct language in there.

There is one final item that I would like to question. This bill does not provide any authority for an appropriation. Maybe the existing law gives general authority for appropriations of that kind—maybe it is there. You provide for the compensation of owners, but unless you provide some funds from which to make the payment, that is not very helpful to them unless somebody can provide the money for it.

Mr. WRIGHT. Mr. Chairman, I think that there is something on that in the bill.

Mr. POAGE. There may be general authority.

Mr. WRIGHT. At the bottom of page 4 it states:

Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the animal, carcass, product or article.

On line 23 it states:

Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.

Presumably, I should think you might want to question the representatives of the Department in this regard, whether they feel that existing authority for appropriations under the present existing quarantine laws is adequate. I should think they would be more authoritative in that regard than I would be.

Mr. POAGE. Thank you for a very fine statement.

Mr. QUIE?

Mr. QUIE. Just one question.

Is Senate bill S. 860 the same as this?

Mr. WRIGHT. Senate 860 is very similar to this. Whether it is in fact identical I am not absolutely certain. As you know, there was a Senate bill which passed the Senate in 1960.

Mr. QUIE. Did S. 860 pass the Senate?

Mr. WRIGHT. I am not certain that it passed the Senate this year.

Mr. QUIE. Could I ask Dr. Clarkson?

Mr. WRIGHT. They state that it passed the Senate.

Dr. CLARKSON. So far as we know it is identical except for one typographical change which the clerk of the committee has in hand.

Mr. QUIE. Thank you. That is all.

Mr. SHORT. Mr. Chairman, may I speak off the record?

Mr. POAGE. Yes.

(Discussion off the record.)

Mr. POAGE. Back on the record.

Mr. SHORT. Does this authority give the department official who is not an officer of the law authority to stop the vehicle which he suspects may be carrying livestock?

Mr. WRIGHT. I think that is the purpose of this section. I believe that it does adequately convey this authority to him in that it states that the employees of the Department of Agriculture, designated by the Secretary for the purpose, when properly identified shall have authority to stop and inspect in two instances without a warrant.

Mr. SHORT. I am referring to the second one.

Mr. WRIGHT. Yes; the first being movement in the United States from foreign countries, in which case they would pose as, under this act, if it were enacted, the authority to stop, upon identifying them—

selves, any vehicle without the presentation of a warrant to inspect the animals moving into this country.

Secondly, this bill would confer upon such representatives of the Department designated to carry out this function of the law the authority to stop, without a warrant, any movement in interstate when they have probable cause to believe that such person or conveyance is carrying an animal that has been affected or exposed.

I know the purpose of this is to confer upon them those authorities which heretofore have been cloudy under certain laws. Whether, in fact, it is adequate I do not know. I presume that it is and believe that it is.

Mr. SHORT. Thank you.

Mr. POAGE. Are there any further questions?

Mr. MATTHEWS. I would just like to tell Mr. Wright that I am sorry that I missed all of his testimony. I am inclined to vote for his bill without that, however.

Mr. WRIGHT. Thank you.

Mr. POAGE. If there are no further questions of Mr. Wright, we are very much obliged to you, Mr. Wright.

Dr. Clarkson, will you make your statement now?

**STATEMENT OF DR. M. R. CLARKSON, ASSOCIATE ADMINISTRATOR;
ACCOMPANIED BY DR. J. M. HEJL, ASSOCIATE DIRECTOR, ANIMAL
QUARANTINE DIVISION; AND S. P. LEJKO, ASSISTANT TO THE
ADMINISTRATOR, ARS, U.S. DEPARTMENT OF AGRICULTURE**

Dr. CLARKSON. I have a very brief statement, but, following the discussion by Congressman Wright, I believe that it would be sufficient to file it for the record.

Mr. POAGE. Without objection, your statement will be made a part of the record at this point, and we will proceed with questions if there are any.

(The prepared statement of Dr. M. R. Clarkson, Associate Administrator, Agricultural Research Service, with analysis of H.R. 3693, is as follows:)

**STATEMENT BY M. R. CLARKSON, ASSOCIATE ADMINISTRATOR, AGRICULTURAL
RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE**

Mr. Chairman and members of the committee, we are pleased to have the opportunity to discuss with you identical bills H.R. 3693 and S. 860 which would provide greater protection against the introduction and dissemination of livestock and poultry diseases.

The Department strongly supports the purposes of this legislation and recommends its enactment.

The legislation would clarify and strengthen a number of provisions of the animal quarantine laws, which have been enacted from time to time since 1884 to meet particular situations in connection with specific animals, diseases, or circumstances. It would fill gaps in our animal quarantine laws and thus provide our Nation's farmers and ranchers more adequate protection against the introduction and dissemination of livestock and poultry diseases.

It would authorize the Department to properly dispose of animals which have been brought into this country or moved interstate in violation of a Federal quarantine or which have been found on such movement to be infected with or exposed to communicable diseases dangerous to livestock or poultry. It would permit the Department to act in case of an extreme emergency threatening the livestock or poultry of the United States, such as an unchecked outbreak of foot-and-mouth disease.

In addition, it would authorize the payment of certain indemnities, the promulgation of necessary regulations in connection with the cleaning and disinfection of conveyances and other facilities, and necessary inspection operations. It would broaden the Department's authority to prohibit or regulate the importation of animals to prevent the introduction or spread of livestock or poultry diseases. It is designed to make existing programs more effective and to round out the Department's authority to cooperate with the States.

A more detailed analysis and explanation of this legislation has been provided to the committee.

Similar bills were considered in the previous Congress, and during the course of the hearings questions were raised about the wording of some of the sections. Changes and improvements were made in the wording and incorporated in both of the bills which are now before you. For example, any withholding of payments to individuals for violations of laws or regulations would be applicable only if such violations were committed knowingly.

With the rapid increase and speed in trade, travel, and traffic with the nations of the world, the dangers of introduction of foreign animal diseases such as foot-and-mouth disease and rinderpest become greater every year. The added protection given by these bills is needed in order to preserve the health of the herds and flocks of this Nation. The Department hopes that favorable action will be taken on this legislation.

ANALYSIS OF H.R. 3695, 87TH CONGRESS

"To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes."

Section 1

There is no definition of "Secretary" or "animals" in the present animal quarantine laws. There is considerable variation in the descriptions of the animals to which the laws apply.

The present statutes relating to imports and exports refer to the United States and most of those relating to interstate commerce refer to the States, the territories, and the District of Columbia. Section 3 of the act of May 29, 1884, as amended (21 U.S.C. 114) refers to States and territories and section 11 of that act (21 U.S.C. 114a) refers to the States, the District of Columbia, Puerto Rico, and the territories and possessions. The term "territories" has been construed to mean the organized territories such as Puerto Rico, Guam, and the Virgin Islands of the United States. Section 401 of the Tariff Act of 1930, as amended (19 U.S.C. 1401) defines "United States" so as to except the Virgin Islands, Guam, and certain other areas for purposes of the animal quarantine provisions in section 306 of that act (19 U.S.C. 1306).

Section 2

Section 2(a) of the bill confers additional authority to seize, quarantine, and dispose of animals (including poultry) on the basis of their movement or handling contrary to the animal quarantine laws or regulations or on the basis of the movement of the animals into the United States or interstate while affected with or exposed to any communicable disease dangerous to livestock or poultry. Section 2(b) of the bill provides that in case the Secretary determines an extraordinary emergency exists because of the outbreak of an extremely dangerous, communicable disease of livestock or poultry, which threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of animals (including poultry) affected with or exposed to such disease, and their carcasses and related products and articles. Provision is made for payment of compensation except in certain circumstances. Such compensation would be based on fair market value. The authority of section 2 is not dependent on cooperation of any State or other jurisdiction or organization or individual.

Under section 11 of the act of May 29, 1884, as amended (21 U.S.C. 114a) the Secretary is authorized, either independently or in cooperation with States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States, certain organizations, and individuals, to control and eradicate specified diseases of animals (including poultry), incipient or potentially serious minor outbreaks of animal diseases, and contagious or infectious diseases of animals which are deemed to constitute an emergency and threaten the livestock industry, including the payment of claims growing out of the destruction of

animals (including poultry), and of materials, affected by or exposed to any such disease. This section contemplates a program in which participation by the owner of the animals and materials is voluntary so far as the Federal Government is concerned.

Section 8 of the act of August 30, 1890 (21 U.S.C. 103), authorizes the Secretary to slaughter any ruminants or swine imported into the United States which are adjudged to be infected with any contagious disease or to have been exposed to infection so as to be dangerous to other animals, and to pay the value of exposed animals so slaughtered to the owners thereof, except that no payment may be made for animals imported in violation of the act.

Paragraph (c) of section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) authorizes the Secretary to prescribe in regulations the terms and conditions for the destruction of ruminants and swine and meat thereof offered for entry from a country where foot-and-mouth disease or rinderpest exists and refused admission into the United States, unless such animals and meat are exported by the consignee within the time fixed therefor in the regulations. Section 306 also authorizes seizure and disposal of zoo animals allowed entry under its provisions and thereafter not handled as required under the section.

Under section 2 of the act of February 2, 1903, as amended (21 U.S.C. 111), the Secretary is authorized to seize, quarantine, and dispose of hay, straw, forage, or similar material, or any animal products, being imported or moving interstate, in order to guard against the introduction or spread of the contagion of disease.

Section 3

The Secretary has authority under sections 4 and 5 of the act of May 29, 1884, as amended, section 10 of the act of August 30, 1890, and the act of February 2, 1903, as amended (21 U.S.C. 105, 111, 112, 113, 120) to require the cleaning and disinfecting of means of conveyance and facilities to prevent the dissemination of communicable diseases of livestock and poultry into or from the United States or interstate. The authority contained in section 3 of the bill would provide additional protection of the general health of livestock and poultry.

Section 4

Section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) prohibits the importation of cattle, sheep, other ruminants and swine, and fresh, chilled, or frozen meat of such animals, from countries where foot-and-mouth disease or rinderpest is determined by the Secretary to exist. Under section 9 of the act of August 30, 1890 (21 U.S.C. 101) the President is authorized to suspend by proclamation the importation of all or any class of animals for a limited time when in his opinion such action is necessary for the protection of animals in the United States against contagious diseases, and to change, revoke, or renew such proclamation as the public good may require. The Secretary has some authority under the 1890 act and the act of February 2, 1903, as amended, to regulate imports of animals but clarification and extension of his authority in this field is deemed necessary for adequate protection against dissemination of livestock and poultry diseases.

Section 5

Section 5 of the bill has no counterpart in existing animal quarantine legislation but is similar to provisions in section 107 of the Federal Plant Pest Act (7 U.S.C. 150ff).

Section 6

Section 6 of the bill provides criminal penalties similar to those provided in section 3 of the act of February 2, 1903, as amended and section 6 of the act of March 3, 1905, as amended (21 U.S.C. 122, 127). In addition section 6 provides for injunctive enforcement procedures.

Section 7

Section 7 of the bill would amend section 11 of the act of May 29, 1884, as amended (21 U.S.C. 114a) to authorize the Secretary to control and eradicate any communicable disease of livestock or poultry instead of only the diseases now specified in said section 11.

Section 8

The first section of the act of March 3, 1905, as amended (21 U.S.C. 123) authorizes the Secretary to quarantine any State or territory or the District of Columbia, or any portion thereof, when he determines that livestock or poultry in such State, territory, or District are affected with any communicable disease. Section 8(a) of the bill would amend this section of the 1905 act to authorize the Secretary to so quarantine when he determines that any animals or poultry in such State, territory, or District are affected with a communicable disease of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State, territory, or District.

Section 2 of the 1905 act prohibits the delivery and receipt for transportation interstate, and the interstate movement, from an area quarantined under the first section of the act, of livestock or poultry except as provided in section 4 of the act. Section 3 of the act authorizes the Secretary to promulgate regulations permitting and governing the interstate movement of livestock or poultry from such a quarantined area. Section 4 of the act permits the interstate movement of livestock or poultry from such a quarantined area under the regulations of the Secretary. Section 8(b) of the bill would amend these provisions of the 1905 act to make them applicable to any animals or poultry quarantined under the first section of the bill.

Section 9

This provision in the Department's appropriation act approved June 30, 1914, as amended, provides that the 1905 act shall apply to any common carrier whose road or line forms any part of a route over which livestock or poultry are transported in the course of interstate shipment from a quarantined area. Section 9 of the bill would amend this provision of the appropriation act to make it consistent with the 1905 act as amended by the bill.

Section 10

Section 10 of the bill would specifically include the departmental employees performing the designated functions within the protection afforded certain Federal employees against assaults, other interferences, and homicide under section 111 and 1114 of title 18, United States Code.

Section 11

Section 11 would authorize the issuance of regulations deemed necessary to carry out the provisions of the bill.

Section 12

Section 12 of the bill expresses the relation of the bill to other laws.

Section 13

Section 13 of the bill contains the usual savings provision in case of invalidation of the act in any respect.

Mr. POAGE. Are there any questions?

Mr. HARVEY. I wonder if I could discuss some points in connection with this bill off the record?

Mr. POAGE. Yes.

(Discussion off the record.)

Mr. POAGE. Back on the record. "Extremely dangerous" has no meaning at all, does it?

Dr. CLARKSON. I have no brief for these words. We were trying to put some limitations on it. I hope that we never have to invoke this section, which can be done only in case of an extraordinary emergency.

We became aware during the outbreak of foot-and-mouth disease in Mexico and the one in Canada of a disparity of interest among the various States and communities of this country with regard to this disease. Most of the States would act promptly and take care of their situation and we would go about it in the traditional manner. I would hope all of them would, but from some of the expressions of interest

and opinion we had at that time it was apparent that there were some with a very minor interest in livestock, who were not prepared to take the kind of action that is necessary to stop an outbreak of foot-and-mouth disease. So it seemed to us, in the Department, that we ought to be prepared for such an emergency. We have tried to write into this the precautions, the care that would be necessary to guard against injudicious action. Action would be taken only after the most careful evaluation of the situation with the States, and a clear showing that if some of the States were not prepared to take the proper action, then the action would be taken by the Department in protection of the other States.

The provisions for indemnification were referred to in the discussion a while ago, on subsection 2(e). I quite agree with the tenor of the discussion at that time. It was not the intent to penalize an innocent owner because of something that might have been done by an owner one or two steps removed. That is, an innocent owner who was not conniving or conspiring to have this done. Certainly, we would construe it that way and would have no objection to the language being changed to make that more clear, if the committee should so desire.

The language contained in section 5 in regard to the authority to inspect is similar to the provisions of the Federal Plant Pest Act which was passed about 5 years ago. The chairman remembers that we were faced with similar difficulties in enforcing some of our inspection procedures on plant pests and needed to have the authority to deal with the pest itself and to take action at the time, rather than to wait until it had spread into some other parts of the State or, indeed, into some other States.

I feel these are necessary to the protection of the health of our livestock and poultry. We are very fortunate in this country in having as healthy a livestock and poultry population as exists anywhere in the world. By comparison with most of the major areas of the world it is a very much better situation—a part of which is historical and geographical. Many of the great plagues that have devastated herds and flocks in the Old World for centuries, in fact for thousands of years, were not present in the New World and we in North America have been able to keep most of them out by action of the Government, and the States acting in concert with each other. We have a record that is unsurpassed anywhere in the world in preventing the introduction of these dangerous diseases to our herds and flocks, in eradicating these diseases that do get into the country.

One has only to look at the situation with regard to foot-and-mouth disease to know that this is so. In the first 30 years of this century we had six outbreaks. They were very expensive to deal with. They caused great havoc in the livestock industry, not so much because of the losses, because prompt action was taken to control and eradicate the disease, but because of the fear of its great spread—and a very well grounded fear I may say.

During the second 32 years of this century we have had no outbreaks of foot-and-mouth disease in this country. That has been in the face of a greatly increased trade, traffic, and travel between this country and all parts of the world, and despite the great epidemics of this disease in Europe, Asia, and South America. It is in the face of very

serious outbreaks in Mexico and a small outbreak in Canada during the past 10 to 12 years.

These provisions contained in this legislation before you for consideration are those which we think are necessary to continue this protection for the future.

Mr. POAGE. We recognize that the Department had a lot more in this first bill than they thought they did. We thought it was a dangerous thing. We think it contained provisions which, certainly, could not be fairly lived with. We are, therefore, interested in the penalty provisions of this bill. We are talking about the practicality of the thing. That is the reason we turned the Fisher bill down.

Now let me ask you as to this, is there enough money available to pay these claims without any new authorization?

Dr. CLARKSON. Yes, sir.

Mr. POAGE. There is?

Dr. CLARKSON. There is a special provision in the annual Appropriations Act for the Secretary, under an extraordinary emergency, to use whatever funds are available to the Department of Agriculture for emergency expenditures.

Those that might be involved in violations of imports or interstate regulations would be small. We have enough funds in our annual appropriation for the eradication of disease of livestock to take care of this.

Mr. POAGE. Are there any further questions?

Mr. HARVEY. If I can again go off the record.

Mr. POAGE. Yes.

(Discussion off the record.)

Mr. POAGE. Back on the record. We have taken 45 minutes thus far, and we are not through with the witness yet. And we have several other bills before us.

Mr. LATTA. On the first page, you have a definition, which includes all animals except man. Do you think that definition is broad enough to accomplish what you want to accomplish?

Dr. CLARKSON. Yes. Among the birds, for example, quail and pheasants are brought into the country for the population of wildlands or other areas, for sports or for other reasons. We are interested in these birds, because they may carry diseases that are transmissible to our domestic fowl. We find that some types of animals, even reptiles brought into this country from Africa, have ticks of the kind that would carry tick fever and other diseases of animals. We have, insofar as we know, found each of those cases, and have been able, by dealing with those who have control of the reptiles, to take care of the tick situation. But almost every type of animal and bird that exists may, accidentally, at one time or another, bring in pests or diseases that are dangerous to our livestock and poultry.

The use of the term "animals" here is so that such animals may be inspected and quarantined if necessary, but only for the purpose of protecting against the spread of diseases of livestock and poultry.

Mr. LATTA. It does take in all animals except man, does it not?

Dr. CLARKSON. That is correct.

Mr. LATTA. And it does take in animals that are moving in interstate commerce as well as those coming into this country?

Dr. CLARKSON. Yes.

Mr. LATTA. Is it not a fact, that under the provisions of this bill, for example, you could stop me and my Boston terrier while en route from Ohio to Washington, D.C. under the pretext that I might, or my dog might have been exposed to some communicable disease that would be dangerous to livestock and poultry? And couldn't you, also, under the terms of the bill, inspect my person as well as the conveyance hauling the dog?

Dr. CLARKSON. There is authority now for the Department to place inspection requirements on dogs moving in interstate commerce or coming into this country if they are thought to be carrying diseases that are transmissible to livestock and poultry.

Mr. LATTA. And you now can inspect my person as well as the conveyance?

Dr. CLARKSON. No; we cannot.

Mr. LATTA. On page 5 of your bill, why do you need that authority?

Dr. CLARKSON. Well, speaking of some of the things that are likely to be transported, the only example I can think of now is where we have strict requirements on the importation of semen for artificial insemination of livestock. Such material is prohibited from countries where foot-and-mouth disease or rinderpest exists. This is the kind of thing that can be carried in a very small vial, in a vest pocket, if you will. The authority to look for these things on importations is very important. For interstate it is not nearly as significant as it is for imports.

Mr. LATTA. I am all for inspection myself of those who might be traveling in interstate commerce. However, I do not want to be stopped along the way by some Department of Agriculture employee and be personally searched without a warrant. The way I read this bill you have that authority on page 6, subsection 2 of section 5.

Dr. CLARKSON. This could only be done if there were two things; first, an appropriate regulation, properly promulgated and published, and second, probable cause to believe that it was being violated.

Mr. LATTA. And you do not have to go before any court or any judge or anyone to get a warrant, but you can do it for "probable cause," and probable cause is established in the person's mind doing the searching.

Dr. CLARKSON. He would not have to have a warrant, that is right. This language, as I mentioned a while ago, is similar in purpose and accomplishment with the provisions of the Federal Plant Pest Act which passed a few years ago and upon which we modeled this one.

Mr. LATTA. Do you think that you need authority to stop me, an individual, in interstate commerce?

Dr. CLARKSON. Yes. We need this kind of authority, Mr. Congressman. More and more of our livestock are moving by trucks and moving by automobiles of one kind or another. Whether improved language may be drawn here that would be more reassuring, I do not know.

Mr. LATTA. Do you need that much power to stop me when I am in interstate commerce? Why do you not ask for the same authority when I arrive at my destination? You do not have that on page 7, subparagraph 3. There you have to get a warrant. You do not ask for that authority in that subtitle.

Dr. CLARKSON. In entering premises of any kind, which are not in movement, the opportunity to obtain a warrant is much better and the need for such prompt action upon probable cause does not exist.

Mr. LATTA. You are not asking for the authority even there to inspect my person. You are just asking for authority to inspect my premises.

Dr. CLARKSON. That is correct.

Mr. LATTA. Thank you. That is all, Mr. Chairman.

Mr. POAGE. Thank you. Are there any further questions of Dr. Clarkson? If not, we are very much obliged to you, Dr. Clarkson.

Dr. CLARKSON. Thank you, Mr. Chairman.

Mr. POAGE. We will take this bill under consideration later.

I want to insert in the record four telegrams that I received this morning all endorsing this bill, one from the National Wool Growers Association, of Salt Lake City, Utah; one from the Texas & Southwestern Cattle Raisers Association, of Houston, Tex.; one from the American Veterinary Medical Association, of Chicago, Ill.; and one from the American National Cattlemen's Association, of Denver, Colo. Without objection, these will be made a part of the record at this point.

(The telegrams follow:)

SALT LAKE CITY, UTAH, March 18, 1962.

Hon. W. R. POAGE,
House Office Building, Washington, D.C.:

Understand you are holding hearings Monday on H.R. 3693 which is identical to Senate-passed S. 860. Our organization strongly endorses this bill. We feel it will be most helpful in controlling livestock diseases. We request favorable action and will appreciate having this wire in hearing record.

NATIONAL WOOL GROWERS ASSOCIATION.

CHICAGO, ILL., March 18, 1962.

Hon. W. R. POAGE,
Subcommittee on Livestock and Feed Grains, House Committee on Agriculture, Washington, D.C.:

The American Veterinary Medical Association supports enactment of H.R. 3693 and companion bill S. 860 to provide greater protection against disease of livestock and poultry. This legislation urgently needed to combat communicable disease such as rinderpest, African swine fever, and fowl plague. Request this telegram be made a part of the record of hearings scheduled for March 19, 1962.

Dr. H. E. KINGMAN, Jr.,
Executive Secretary, American Veterinary Medical Association.

HOUSTON, TEX., March 18, 1962.

Hon. BOB POAGE,
Vice Chairman, House Committee on Agriculture, House Office Building, Washington, D.C.:

We favor the Wright bill, H.R. 3693, which tightens the quarantine laws necessary to control the entry of livestock diseases into this country. We consider the passage of this bill vital to the future safety of the beef industry.

TEXAS & SOUTHWESTERN CATTLE RAISERS ASSOCIATION,
DOLPH BRISCO, Jr., *President.*

DENVER, COLO., March 17, 1962.

HON. W. R. POAGE,
*Chairman, Subcommittee on Livestock and Feed Grains, House Agriculture
Committee, House Office Building, Washington, D.C.:*

Have learned of March 19 hearings on legislation by Wright, H.R. 3693 and Humphrey, S. 860, both dealing animal quarantine regulations. American National Cattlemen's Association strongly support this legislation and requests favorable action your subcommittee. We further feel this legislation would be aid to prevent entry foot-and-mouth disease into United States from countries having this disease.

C. W. McMILLAN.

H.R. 9886

MR. POAGE. The subcommittee will now take up H.R. 9886 by Mr. Reifel. I understand that you want to make a statement.
(H.R. 9886 follows:)

[H.R. 9886, 87th Cong., 2d sess.]

A BILL To amend the Agricultural Act of 1961 and the Soil Conservation and Domestic Allotment Act, as amended, to permit under certain circumstances flaxseed to be raised on acreage diverted from the production of wheat

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 124(a) (2) of the Agricultural Act of 1961 (75 Stat. 298) is amended to read as follows: "Provided, That such diverted acreage may be devoted to castor beans, guar, safflower, sunflower, flaxseed or sesame, if designated by the Secretary, subject to the condition that no payment shall be made with respect to diverted acreage devoted to any such commodity."

MR. REIFEL. I have a statement that I will turn in for the record, in the interests of saving time.

MR. POAGE. Thank you. Without objection, your statement will be made a part of the record at this point.

(The statement of Hon. Ben Reifel, a Representative in Congress from the first Congressional District of South Dakota follows:)

STATEMENT OF HON. BEN REIFEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE
OF SOUTH DAKOTA

This bill authorizes producers to plant flaxseed on acreage diverted from the production of wheat subject to the condition that no payment shall be made with respect to acreage devoted to such commodity.

Over 90 percent of the U.S. production of flaxseed is concentrated in the three States of North Dakota, Minnesota, and South Dakota. Naturally, the income from the production in these three States is of great significance to farmers in this area. Equally important, there are many jobs in this area that are dependent on a healthy flaxseed industry—jobs based on continuing supplies of flaxseed for its many uses.

The concentrated pattern of production, however, creates within it certain problems which should receive the attention of this body. However, it would appear to be well to give consideration to a rational policy concerning carryover flaxseed stocks. My concern here is with the potential effects on many segments of this and related industries resulting from low yields obtained in the area of heaviest concentration of acreage due to weather or other factors. The concentration increases the weather hazard.

I am in entire agreement with Secretary Freeman when he said as follows: "In one other respect do we need to take further action toward the goal of meeting human needs. We need to adapt the ever normal granary concept to a scientifically determined reserve supply adequate to meet any emergency."

CURRENT SITUATION

Domestic flaxseed supplies during the 1961-62 marketing year are tight. Output is down sharply and stocks are low.

Production of 1961 crop flaxseed was a little less than 22 million bushels, about 9 million bushels or 30 percent below 1960. Output in each of the three leading producing States—North Dakota, Minnesota, and South Dakota—is down from 1960. With the exception of 1959, the 1961 crop was the smallest since 1944.

Flaxseed production in 1961 of 21,852,000 bushels was the second lowest output since 1944. The 2,514,000 acres harvested this year were the smallest in 15 years and largely account for the decline in production. The 1961 U.S. yield per acre of 8.7 bushels was slightly above the average of 8.3 bushels, but slightly below the 1960 yield of 9.1 bushels.

North Dakota is the leading State in flaxseed production but 1961 production for the State was down nearly one-half from last year. Principal flax-growing areas in that State were damaged by drought and heat, and abandonment of acreage was heavy because of the severe weather conditions. In Minnesota the crop was also smaller than in 1960 due both to smaller acreage harvested and lower yields per acre. Output in South Dakota was also down slightly from 1960. Yields per acre were better than 1960 but were more than offset by a decline in the acreage harvested. The three States—North and South Dakota and Minnesota—accounted for 88.5 percent of the national production in 1961 compared with 91.3 percent in 1960. Of the eight flax-growing States covered in the national total, only Texas showed an increase in flaxseed production compared with 1960.

The total supply of flaxseed in the 1961-62 marketing year is now placed at about 27 million bushels compared with 33 million last year. Crushings of flaxseed for domestic oil use are forecast at 19 million bushels, exports at 2 million bushels (about 1 million has already moved out), and another 2 million will be needed to seed the 1962 crop. If these demand estimates are correct, carryover stocks on July 1, 1962, will be at the very low level of around 3 million bushels—a dangerously low level.

The level of linseed oil prices during the current marketing year probably will accelerate the downtrend in linoleum consumption, as users of drying oils tend to change paint formulations and shift to lower priced substitutes insofar as possible. Consumption of linseed oil has shown a sharp downtrend in the last decade, dropping from a postwar peak of 728 million pounds in 1950 to 370 million in 1960. Prospects are that it will show another decline this year. Thus, reduced supplies are translated into further loss of markets. We must reverse this trend.

One way that increased acreage can be accomplished is by authorizing farmers in the flaxseed area who reduce their acreage of wheat under the special 1962 wheat reduction program to divert the acreage into flaxseed. This would shift production from a surplus commodity to one which is in relatively short supply. The payment to farmers who make this shift could be reduced, and money saved under the wheat program.

I wish to point out that this shift is voluntary on the part of the producer. If he wishes to forgo his payment and increase his acreage of flaxseed, he would be permitted to do so. The farmer could thus produce a needed crop. I should point out that additional flaxseed acreage is needed. At the same time the Federal Treasury would be spared the payment for diversion. In this period of budgetary stringency I am happy to present a program under which a saving in budget outlays can be combined with the expansion in production of a needed crop.

This bill is of importance to those of you who represent farmers who feed livestock. Additional flaxseed will produce more high-protein linseed meal—an important feed ingredient. The greater production will tend to cut the feed costs to your livestock producers.

The flaxseed industry is and has been doing considerable work to expand utilization of linseed oil. New uses have been developed, and efforts are being made to recapture old markets. A new low-cost protection for concrete roads and surfaces is in actual use and saving money to users. A new method for mixing linseed oil with water for outside paints is in use. These efforts developed by the industry should be applauded.

87TH CONGRESS
1ST SESSION

H. R. 3693

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 1961

MR. WRIGHT introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That as used in this Act unless the context indicates other-
4 wise—

5 (a) The term “Secretary” means the Secretary of
6 Agriculture.

7 (b) The term “animals” means all members of the
8 animal kingdom including birds, whether domesticated or
9 wild, but not including man.

10 (c) The term “United States” means the States, Puerto

1 Rico, Guam, the Virgin Islands of the United States, and
2 the District of Columbia.

3 (d) The term "interstate" means from a State or other
4 area included in the definition of "United States" to or
5 through any other State or other such area.

6 SEC. 2. (a) The Secretary, whenever he deems it
7 necessary in order to guard against the introduction or dis-
8 semination of a communicable disease of livestock or poul-
9 try, may seize, quarantine, and dispose of, in a reasonable
10 manner taking into consideration the nature of the disease and
11 the necessity of such action to protect the livestock or poul-
12 try of the United States: (1) any animals which he finds
13 are moving or are being handled or have moved or have
14 been handled in interstate or foreign commerce contrary to
15 any law or regulation administered by him for the preven-
16 tion of the introduction or dissemination of any communi-
17 cable disease of livestock or poultry; (2) any animals which
18 he finds are moving into the United States, or interstate,
19 and are affected with or have been exposed to any commu-
20 nicable disease dangerous to livestock or poultry; and (3)
21 any animals which he finds have moved into the United
22 States, or interstate, and at the time of such movements were
23 so affected or exposed.

24 (b) Whereas the existence of any extremely dangerous,
25 communicable disease of livestock or poultry, such as foot-

1 and-mouth disease, rinderpest, or European fowl pest, on
2 any premises in the United States would constitute a threat
3 to livestock and poultry of the Nation and would seriously
4 burden interstate and foreign commerce, whenever the
5 Secretary determines that an extraordinary emergency
6 exists because of the outbreak of such a disease anywhere
7 in the United States, and that such outbreak threatens the
8 livestock or poultry of the United States, he may seize, quar-
9 antine, and dispose of, in such manner as he deems necessary
10 or appropriate, any animals in the United States which he
11 finds are or have been affected with or exposed to any
12 such disease and the carcasses of any such animals and any
13 products and articles which he finds were so related to
14 such animals as to be likely to be a means of disseminat-
15 ing any such disease: *Provided*, That action shall be taken
16 under this subsection only if the Secretary finds that adequate
17 measures are not being taken by the State or other jurisdic-
18 tion. The Secretary shall notify the appropriate official of
19 the State or other jurisdiction before any action is taken in
20 any such State or other jurisdiction pursuant to this sub-
21 section.

22 (c) The Secretary in writing may order the owner of
23 any animal, carcass, product, or article referred to in subsec-
24 tion (a) or (b) of this section, or the agent of such owner,
25 to maintain in quarantine and to dispose of such animal, car-

1 carcass, product, or article in such manner as the Secretary may
2 direct pursuant to authority vested in him by such subsec-
3 tions. If such owner or agent fails to do so after receipt of
4 such notice, the Secretary may take action as authorized by
5 said subsections (a) and (b) and recover from such owner
6 or agent the reasonable costs of any care, handling, and dis-
7 posal incurred by the Secretary in connection therewith.
8 Such costs shall not constitute a lien against the animals, car-
9 casses, products, or articles involved. Costs collected under
10 this section shall be credited to the current appropriation for
11 carrying out animal disease control activities of the Depart-
12 ment.

13 (d) Except as provided in subsection (e) of this sec-
14 tion, the Secretary shall compensate the owner of any animal,
15 carcass, product, or article destroyed pursuant to the provi-
16 sions of this section. Such compensation shall be based upon
17 the fair market value as determined by the Secretary, of any
18 such animal, carcass, product, or article at the time of the
19 destruction thereof. Compensation paid any owner under
20 this subsection shall not exceed the difference between any
21 compensation received by such owner from a State or other
22 source and such fair market value of the animal, carcass,
23 product, or article. Funds in the Treasury available for
24 carrying out animal disease control activities of the Depart-

1 ment of Agriculture shall be used for carrying out this sub-
2 section.

3 (e) No such payment shall be made by the Secretary
4 for any animal, carcass, product, or article which knowingly
5 has been moved or handled by the owner thereof or his agent
6 in violation of a law or regulation administered by the Secre-
7 tary for the prevention of the interstate dissemination of the
8 communicable disease for which the animal, carcass, product,
9 or article was destroyed or a law or regulation for the enforce-
10 ment of which the Secretary enters or has entered into a co-
11 operative agreement for the control and eradication of such
12 disease, or for any animal which has moved into the United
13 States contrary to a law or regulation administered by the
14 Secretary for the prevention of the introduction of a communi-
15 cable disease of livestock or poultry.

16 SEC. 3. The Secretary, in order to protect the health of
17 the livestock or poultry of the Nation, may promulgate regu-
18 lations requiring that railway cars; vessels; airplanes; trucks;
19 and other means of conveyance; stockyards; feed, water,
20 and rest stations; and other facilities, used in connection with
21 the movement of animals into or from the United States, or
22 interstate, be maintained in a clean and sanitary condition,
23 including requirements for inspection, cleaning, and disin-
24 fection.

1 SEC. 4. The Secretary is authorized to promulgate reg-
2 ulations prohibiting or regulating the movement into the
3 United States of any animals which are or have been affected
4 with or exposed to any communicable animal disease, or
5 which have been vaccinated or otherwise treated for any
6 such disease, or which he finds would otherwise be likely to
7 introduce or disseminate any such disease, when he deter-
8 mines that such action is necessary to protect the livestock
9 or poultry of the United States.

10 SEC. 5. Employees of the Department of Agriculture
11 designated by the Secretary for the purpose, when properly
12 identified, shall have authority (1) to stop and inspect, with-
13 out a warrant, any person or means of conveyance, moving
14 into the United States from a foreign country, to determine
15 whether such person or means of conveyance is carry-
16 ing any animal, carcass, product, or article regulated or sub-
17 ject to disposal under any law or regulation administered by
18 the Secretary for prevention of the introduction or dissemina-
19 tion of any communicable animal disease; (2) to stop and
20 inspect, without a warrant, any person or means of convey-
21 ance moving interstate upon probable cause to believe that
22 such person or means of conveyance is carrying any animal,
23 carcass, product, or article regulated or subject to disposal
24 under any law or regulation administered by the Secretary
25 for the prevention of the introduction or dissemination of any

1 communicable animal disease; and (3) to enter upon, with a
2 warrant, any premises for the purpose of making inspections
3 and seizures necessary under such laws and regulations. Any
4 Federal judge, or any judge of a court of record in the
5 United States, or any United States commissioner, may,
6 within his jurisdiction, upon proper oath or affirmation in-
7 dicating probable cause to believe that there is on certain
8 premises any animal, carcass, product, or article regulated
9 or subject to disposal under any law or regulation admin-
10 istered by the Secretary for the prevention of the introduc-
11 tion or dissemination of any communicable animal disease,
12 issue warrants for the entry upon such premises and for in-
13 spections and seizures necessary under such laws and regula-
14 tions. Such warrants may be executed by any authorized
15 employee of the Department of Agriculture.

16 SEC. 6. (a) Whoever knowingly violates any regulation
17 promulgated pursuant to the provisions of sections 1 through
18 5 of this Act shall be punished by a fine not exceeding \$1,000
19 or by imprisonment not exceeding one year, or both.

20 (b) The Secretary may bring an action to enjoin the
21 violation of, or to compel compliance with, any regulation
22 promulgated or order issued under said sections, or to enjoin
23 any interference by any person with an employee of the
24 Department of Agriculture in carrying out any duties under
25 said sections, whenever the Secretary has reason to believe

1 that such person has violated, or is about to violate, any
2 such regulation or order, or has interfered, or is about to in-
3 terfere, with any such employee. Such action shall be
4 brought in the United States district court, or the United
5 States court of any territory or possession, for the judicial
6 district in which such person resides or transacts business or
7 in which the violation, omission, or interference has occurred
8 or is about to occur. Process in such cases may be served in
9 any judicial district wherein the defendant resides or trans-
10 acts business or wherever the defendant may be found, and
11 subpoenas for witnesses who are required to attend the court
12 in any judicial district in any such cases may run into any
13 other judicial district.

14 SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat.
15 734), as amended (21 U.S.C. 114a), is further amended by
16 inserting the words "any communicable diseases of livestock
17 or poultry, including, but not limited to," after the word
18 "eradicate".

19 SEC. 8. (a) The first section of the Act of March 3,
20 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is
21 further amended by striking out the phrase "cattle or other
22 livestock" and inserting in lieu thereof the words "any ani-
23 mals", and by inserting after the word "disease" the words
24 "of livestock or poultry or that the contagion of any such
25 disease exists or that vectors which may disseminate any such

1 disease exist in such State or territory or the District of
2 Columbia”.

3 (b) Sections 2, 3, and 4 of such Act (33 Stat. 1264
4 1265), as amended (21 U.S.C. 124, 125, 126), are further
5 amended by striking out the phrase “cattle or other live-
6 stock” each time such phrase appears in those sections and
7 inserting in lieu thereof the words “quarantined animals”.

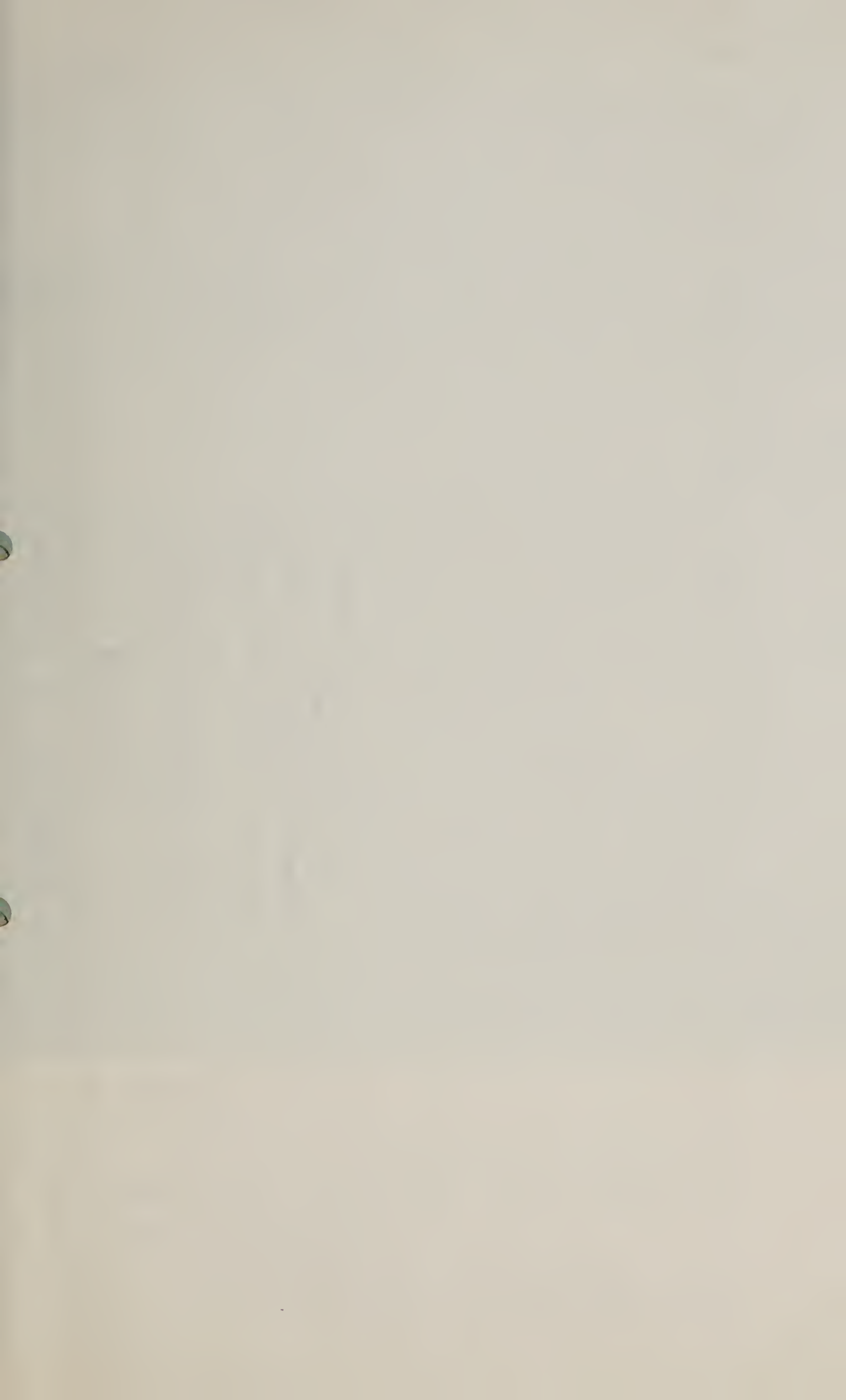
8 SEC. 9. The first proviso under the heading “General
9 Expenses, Bureau of Animal Industry” in the Act entitled
10 “An Act making appropriations for the Department of Agri-
11 culture for the fiscal year ending June thirtieth, nineteen
12 hundred and fifteen”, approved June 30, 1914 (38 Stat.
13 419), as amended (21 U.S.C. 128), is further amended by
14 striking out the phrase “cattle or other livestock” and in-
15 serting in lieu thereof the words “quarantined animals”.

16 SEC. 10. Section 1114 of title 18 of the United States
17 Code is amended by inserting after “wild birds and animals,”
18 the following: “any employee of the Department of Agri-
19 culture designated by the Secretary of Agriculture to carry
20 out any law or regulation, or to perform any function in
21 connection with any Federal or State program or any
22 program of Puerto Rico, Guam, the Virgin Islands of the
23 United States, or the District of Columbia, for the control
24 or eradication or prevention of the introduction or dissemina-
25 tion of animal diseases,”.

1 SEC. 11. The Secretary is authorized to issue such regu-
2 lations as he deems necessary to carry out the provisions
3 of this Act.

4 SEC. 12. The authority conferred by this Act shall be
5 in addition to authority conferred by other statutes. Any
6 provision of any other Act inconsistent with the provisions
7 of this Act is hereby repealed.

8 SEC. 13. If any provision of this Act or application
9 thereof to any person or circumstances is held invalid, the
10 remainder of the Act and the application of such provision
11 to other persons and circumstances shall not be affected
12 thereby.



A BILL

To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

By Mr. WRIGHT

JANUARY 31, 1961

Referred to the Committee on Agriculture

87TH CONGRESS
1ST SESSION

S. 860

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 1961

Mr. HUMPHREY introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That as used in this Act unless the context indicates other-
4 wise—

5 (a) The term “Secretary” means the Secretary of
6 Agriculture.

7 (b) The term “animals” means all members of the
8 animal kingdom including birds, whether domesticated or
9 wild, but not including man.

10 (c) The term “United States” means the States, Puerto

1 Rico, Guam, the Virgin Islands of the United States, and
2 the District of Columbia.

3 (d) The term "interstate" means from a State or other
4 area included in the definition of "United States" to or
5 through any other State or other such area.

6 SEC. 2. (a) The Secretary, whenever he deems it
7 necessary in order to guard against the introduction or dis-
8 semination of a communicable disease of livestock or poultry,
9 may seize, quarantine, and dispose of, in a reasonable
10 manner taking into consideration the nature of the disease
11 and the necessity of such action to protect the livestock or
12 poultry of the United States: (1) any animals which he
13 finds are moving or are being handled or have moved or
14 have been handled in interstate or foreign commerce con-
15 trary to any law or regulation administered by him for
16 the prevention of the introduction or dissemination of any
17 communicable disease of livestock or poultry; (2) any
18 animals which he finds are moving into the United States,
19 or interstate, and are affected with or have been exposed
20 to any communicable disease dangerous to livestock or
21 poultry; and (3) any animals which he finds have moved
22 into the United States, or interstate, and at the time of such
23 movement were so affected or exposed.

24 (b) Whereas the existence of any extremely dangerous,
25 communicable disease of livestock or poultry, such as foot-

1 and-mouth disease, rinderpest, or European fowl pest, on
2 any premises in the United States would constitute a threat
3 to livestock and poultry of the Nation and would seriously
4 burden interstate and foreign commerce, whenever the
5 Secretary determines that an extraordinary emergency
6 exists because of the outbreak of such a disease anywhere
7 in the United States, and that such outbreak threatens
8 the livestock or poultry of the United States, he may seize,
9 quarantine, and dispose of, in such manner as he deems
10 necessary or appropriate, any animals in the United States
11 which he finds are or have been affected with or exposed
12 to any such disease and the carcasses of any such animals
13 and any products and articles which he finds were so re-
14 lated to such animals as to be likely to be a means of dis-
15 seminating any such disease: *Provided*, That action shall be
16 taken under this subsection only if the Secretary finds that
17 adequate measures are not being taken by the State or other
18 jurisdiction. The Secretary shall notify the appropriate
19 official of the State or other jurisdiction before any action is
20 taken in any such State or other jurisdiction pursuant to this
21 subsection.

22 (c) The Secretary in writing may order the owner of
23 any animal, carcass, product, or article referred to in sub-
24 section (a) or (b) of this section, or the agent of such
25 owner, to maintain in quarantine and to dispose of such

1 animal, carcass, product, or article in such manner as the
2 Secretary may direct pursuant to authority vested in him
3 by such subsections. If such owner or agent fails to do so
4 after receipt of such notice, the Secretary may take action
5 as authorized by said subsections (a) and (b) and recover
6 from such owner or agent the reasonable costs of any care,
7 handling, and disposal incurred by the Secretary in connec-
8 tion therewith. Such costs shall not constitute a lien against
9 the animals, carcasses, products, or articles involved. Costs
10 collected under this section shall be credited to the current
11 appropriation for carrying out animal disease control ac-
12 tivities of the Department.

13 (d) Except as provided in subsection (e) of this sec-
14 tion, the Secretary shall compensate the owner of any animal,
15 carcass, product, or article destroyed pursuant to the provi-
16 sions of this section. Such compensation shall be based upon
17 the fair market value as determined by the Secretary, of any
18 such animal, carcass, product, or article at the time of the
19 destruction thereof. Compensation paid any owner under
20 this subsection shall not exceed the difference between any
21 compensation received by such owner from a State or other
22 source and such fair market value of the animal, carcass,
23 product, or article. Funds in the Treasury available for

1 carrying out animal disease control activities of the Depart-
2 ment of Agriculture shall be used for carrying out this sub-
3 section.

4 (e) No such payment shall be made by the Secretary
5 for any animal, carcass, product, or article which knowingly
6 has been moved or handled by the owner thereof or his agent
7 in violation of a law or regulation administered by the Secre-
8 tary for the prevention of the interstate dissemination of
9 the communicable disease, for which the animal, carcass,
10 product, or article was destroyed or a law or regulation for
11 the enforcement of which the Secretary enters or has entered
12 into a cooperative agreement for the control and eradication
13 of such disease, or for any animal which has moved into the
14 United States contrary to such law or regulation administered
15 by the Secretary for the prevention of the introduction of a
16 communicable disease of livestock or poultry.

17 SEC. 3. The Secretary, in order to protect the health of
18 the livestock or poultry of the Nation, may promulgate regu-
19 lations requiring that railway cars; vessels; airplanes; trucks;
20 and other means of conveyance; stockyards; feed, water,
21 and rest stations; and other facilities, used in connection with
22 the movement of animals into or from the United States, or

1 interstate, be maintained in a clean and sanitary condition,
2 including requirements for inspection, cleaning, and disin-
3 fection.

4 SEC. 4. The Secretary is authorized to promulgate reg-
5 ulations prohibiting or regulating the movement into the
6 United States of any animals which are or have been affected
7 with or exposed to any communicable animal disease, or
8 which have been vaccinated or otherwise treated for any
9 such disease, or which he finds would otherwise be likely to
10 introduce or disseminate any such disease, when he deter-
11 mines that such action is necessary to protect the livestock
12 or poultry of the United States.

13 SEC. 5. Employees of the Department of Agriculture
14 designated by the Secretary for the purpose, when properly
15 identified, shall have authority (1) to stop and inspect, with-
16 out a warrant, any person or means of conveyance, moving
17 into the United States from a foreign country, to determine
18 whether such person or means of conveyance is carry-
19 ing any animal, carcass, product, or article regulated or sub-
20 ject to disposal under any law or regulation administered by
21 the Secretary for prevention of the introduction or dissemina-
22 tion of any communicable animal disease; (2) to stop and
23 inspect, without a warrant, any person or means of convey-
24 ance moving interstate upon probable cause to believe that
25 such person or means of conveyance is carrying any animal,

1 carcass, product, or article regulated or subject to disposal
2 under any law or regulation administered by the Secretary
3 for the prevention of the introduction or dissemination of any
4 communicable animal disease; and (3) to enter upon, with a
5 warrant, any premises for the purpose of making inspections
6 and seizures necessary under such laws and regulations. Any
7 Federal judge, or any judge of a court of record in the
8 United States, or any United States commissioner, may,
9 within his jurisdiction, upon proper oath or affirmation in-
10 dicating probable cause to believe that there is on certain
11 premises any animal, carcass, product, or article regulated
12 or subject to disposal under any law or regulation admin-
13 istered by the Secretary for the prevention of the introduc-
14 tion or dissemination of any communicable animal disease,
15 issue warrants for the entry upon such premises and for in-
16 spections and seizures necessary under such laws and regula-
17 tions. Such warrants may be executed by any authorized
18 employee of the Department of Agriculture.

19 SEC. 6. (a) Whoever knowingly violates any regula-
20 tion promulgated pursuant to the provisions of sections 1
21 through 5 of this Act shall be punished by a fine not exceed-
22 ing \$1,000 or by imprisonment not exceeding one year, or
23 both.

24 (b) The Secretary may bring an action to enjoin the
25 violation of, or to compel compliance with, any regulation

1 promulgated or order issued under said sections, or to enjoin
2 any interference by any person with an employee of the
3 Department of Agriculture in carrying out any duties under
4 said sections, whenever the Secretary has reason to believe
5 that such person has violated, or is about to violate, any
6 such regulation or order, or has interfered, or is about to in-
7 terfere, with any such employee. Such action shall be
8 brought in the United States district court, or the United
9 States court of any Territory or possession, for the judicial
10 district in which such person resides or transacts business or
11 in which the violation, omission, or interference has occurred
12 or is about to occur. Process in such cases may be served in
13 any judicial district wherein the defendant resides or trans-
14 acts business or wherever the defendant may be found, and
15 subpoenas for witnesses who are required to attend the court
16 in any judicial district in any such cases may run into any
17 other judicial district.

18 SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat.
19 734), as amended (21 U.S.C. 114a), is further amended by
20 inserting the words "any communicable diseases of livestock
21 or poultry, including, but not limited to," after the word
22 "eradicated".

23 SEC. 8. (a) The first section of the Act of March 3,
24 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is
25 further amended by striking out the phrase "cattle or other

1 livestock” and inserting in lieu thereof the words “any ani-
2 mals”, and by inserting after the word “disease” the words
3 “of livestock or poultry or that the contagion of any such
4 disease exists or that vectors which may disseminate any such
5 disease exist in such State or Territory or the District of
6 Columbia”.

7 (b) Sections 2, 3, and 4 of such Act (33 Stat. 1264,
8 1265), as amended (21 U.S.C. 124, 125, 126), are further
9 amended by striking out the phrase “cattle or other live-
10 stock” each time such phrase appears in those sections and
11 inserting in lieu thereof the words “quarantined animals”.

12 SEC. 9. The first proviso under the heading “General
13 Expenses, Bureau of Animal Industry” in the Act entitled
14 “An Act making appropriations for the Department of Agri-
15 culture for the fiscal year ending June thirtieth, nineteen
16 hundred and fifteen”, approved June 30, 1914 (38 Stat.
17 419), as amended (21 U.S.C. 128), is further amended by
18 striking out the phrase “cattle or other livestock” and in-
19 serting in lieu thereof the words “quarantined animals”.

20 SEC. 10. Section 1114 of title 18 of the United States
21 Code is amended by inserting after “wild birds and animals,”
22 the following: “any employee of the Department of Agri-
23 culture designated by the Secretary of Agriculture to carry
24 out any law or regulation, or to perform any function in
25 connection with any Federal or State program or any

1 program of Puerto Rico, Guam, the Virgin Islands of
2 the United States, or the District of Columbia, for the con-
3 trol or eradication or prevention of the introduction or
4 dissemination of animal diseases,”.

5 SEC. 11. The Secretary is authorized to issue such
6 regulations as he deems necessary to carry out the pro-
7 visions of this Act.

8 SEC. 12. The authority conferred by this Act shall be
9 in addition to authority conferred by other statutes. Any
10 provision of any other Act inconsistent with the provisions
11 of this Act is hereby repealed.

12 SEC. 13. If any provision of this Act or application
13 thereof to any person or circumstances is held invalid, the
14 remainder of the Act and the application of such provision
15 to other persons and circumstances shall not be affected
16 thereby.

A BILL

To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

By Mr. HUMPHREY

FEBRUARY 9, 1961

Read twice and referred to the Committee on
Agriculture and Forestry

the nondedicated portion of the tract in such a manner as to maintain at least the same average density of development for that portion as would have obtained for the tract as a whole.

OPEN SPACE FOR THE CENTRAL CITIES

Finally, Mr. President, the bill provides an amendment to title I of the Housing Act of 1949 to encourage the provision of park, playground, or other public recreational facilities in our urban renewal areas. The reason for this amendment is simply that the economic facts of city life are such that few parks are being provided where they are most badly needed—in our congested, slum-ridden, and busy central cities to help lessen the dangers of juvenile delinquency and open up a bit of our cities to a little sunlight and green earth for those who live there.

Generally speaking, a city acquires the land, clears it, and then resells it for private development at a lower cost. The loss involved is shared two-thirds by the Federal Government, one-third by the local community. However, under normal circumstances, the development of new commercial and residential activity will generate an increase in property tax revenue to more than cover the one-third cost to the community within the first few years after completion of the project. Such, however, is not the case with a park. The city not only has to meet its one-third share, which is an immediate out-of-pocket expense, but it also loses the greatly increased tax revenue that would be obtained if the park were put to commercial or residential use. The economics are such that in New York, for example, an extensive urban renewal project for the west side of the city, which originally envisioned a long, green mall running through the center, was eliminated in the final plans.

The amendment is designed to achieve more park and recreational areas in our cities by allowing the Federal Government to bear the full cost of the land dedicated to park or playground or recreational use. The city, of course, would have to forego the revenue that it could otherwise have obtained by developing on it. I might point out, however, that not in all cases is there a complete loss of the potential tax revenue increase. For example, if the park is properly located, adjacent property values will also rise, though not as rapidly to provide the same tax revenue as if there had been development on the park itself.

Not only do I believe this encouragement is necessary to satisfy the park and recreation needs of our cities, but I believe it will also greatly help to discourage further blight and deterioration of the surrounding areas. For as the mayor of East Orange, James Kelly, has perceptively commented: "When the amenities go, blight moves in."

These, then, Mr. President, are the main features of this bill. They provide for a full-scale effort by all levels of government and encouragement of private enterprise to preserve open space of strategic regional importance to the

urban areas, to generate open space of more local value in and around our suburban communities through cluster development, and to open up the center of our cities once more to sunlight and fresh air. I earnestly hope that this measure will stimulate interest and a concern with the problems I have mentioned and that the bill itself will receive serious and sympathetic consideration of the Congress.

FARM ELECTRIFICATION RESEARCH LABORATORY IN THE STATE OF MINNESOTA

Mr. HUMPHREY. Mr. President, I introduce for appropriate reference a bill for the establishment, in the State of Minnesota, of a U.S. Farm Electrification Research Laboratory to serve farm families of the Midwest and the Nation.

In our present-day agricultural crisis we see the fantastic contradiction wherein there is a constant rise in the cost of things the farmer must buy and a constant decline in the income from the products he has to sell. During recent years we have come to call this situation the agricultural cost-price squeeze. Whatever it may be called, the problem is one that has to be solved if our economy is going to be able to move forward the way we want it to.

I firmly believe we must utilize every possible device to break up this dreadful cost-price squeeze. Rural electrification has already demonstrated effectiveness along this line. In the mid-thirties REA certainly brought light and hope to an area that was underdeveloped or distressed, by any and every standard. Rural electrification helped the people to help themselves to a better life.

But there is more to the breakthrough to a better life on the farm and in rural areas than to get lights and a TV set—important as this has been. Electricity can help cut the farmer's costs. It can reduce his crop losses, which serve to increase his costs. It can improve the quality of his product.

We know these things from our experience of the last few years. But electricity holds a greater potential and it is to find out the practical aspects of this potential that we need to give our farm electrification research adequate facilities to perform effectively.

The potentialities for utilization of electric power on the farm are enormous. Consider what electric power can contribute to farming:

Take the matter of manpower. Livestock labor on the farm is still about 75 percent handwork. In poultry production, for example, it takes about 39 man-hours to produce \$100 worth of products. In beef production, about 22 man-hours are required to produce a like amount of product. In dairy production, 53 man-hours. Simply in terms of the dollar value of a man's labor, this is not efficient work.

The Department of Agriculture estimates that only about 4 percent of the total horsepower expended on a farm is supplied by electricity. The typical

dairy farmer lifts, carries, or pushes 20 to 30 tons of material per cow per year. Electric power could do many of these jobs, with proper equipment, for only a few cents a day.

Automatic and semiautomatic machines—milking, feeding, watering, cleaning—have already alleviated many farm chores. And in doing so they have reduced costs of production. But the surface is barely scratched. There is room for improvement of existing machines and methods. We should have new electric-powered devices to further modernize farm operation—for collecting, cleaning, and candling eggs, for example; for distributing ground feed from a central location—to substitute electric power for manpower wherever possible in farm labor.

Farmers have truly been serious victims of increasing production costs over the past years. Their income has shrunk as the spread between cost of production and the price received for farm produce has narrowed. Lowering his cost of production is one way to help improve this situation. Electricity can do it and then the farmer can increase his profit margin.

The farmer's costs can be reduced if he can reduce crop losses. As anyone who has lived on a farm knows so well, loss of crops or animals for one reason or another can be catastrophic. In 1959, to cite a valid illustration, we lost \$25 million worth of poultry—probably 75 percent of this loss was due to respiratory diseases caused by improper ventilation of the houses in which the birds were raised. Limited research work is now being done in Georgia and Mississippi to determine the relation of temperature, humidity, and air ionization to the incidence of respiratory diseases in poultry, and to develop equipment that will provide the proper environmental conditions for raising healthy poultry. Here again, though, the money being spent for research in these problems is miniscule in proportion to economic losses suffered as a result of neglecting modern methods. Electricity, properly adapted, can provide the lighting, heating, and cooling for efficient environmental control of crops and animals.

Or, to cite another area of extensive economic loss to the farmer, it is becoming increasingly evident that pesticides and insecticides alone will not effectively protect crops against insect destruction. The race goes on to develop new formulas to control destructive insects that have become resistant to insecticides already in use.

Electric insect traps using ultraviolet light, infrared energy and other forms of electromagnetic waves have been used to detect and control some insects. Experiments to date encourage a much greater research effort to design light traps for the control of insects, and to reduce the extensive use for this purpose of poisonous and toxic chemicals.

The farmer of the sixties knows that he can improve his product, plant or animal, by the proper use of electric-powered machinery and appliances; heaters, for example, for incubators,

brooders, graindriers; coolers for eggs, milk, poultry houses; temperature control of storage facilities.

The potential of artificial lighting in farming operations production is only beginning to be explored. Plant response to artificial electric illumination has been under study at Beltsville, in Indiana, and in California. Some applications of artificial light are being used by commercial growers in greenhouses and outdoors to regulate growth and flowering of floral crops. A considerable amount of research is needed to determine the types of lamps most suitable for various crops, and to develop designs for experimental growth chambers that will produce maximum growth.

What we must do is to stimulate the flow of such techniques and devices out of the laboratory and into the hands of the farmer so that he might improve the quality of the product he delivers to the consumer and improve his own income situation in the process.

To have brought electricity to most of the Nation's farm homes is not enough. Farmers must have the techniques and the machinery to improve their farming methods, to raise their incomes. Electric power can make a great contribution to a healthy agricultural economy. But the trail to the new frontiers of modern mechanized farming starts in the research laboratory.

Existing facilities and personnel for electrification research are most inadequate in relation to the potential of electric power utilization on the farm.

Theoretical and applied research in the farm applications of electric heat, light and power to date has been accomplished by the efforts, usually of a cooperative nature, of the U.S. Department of Agriculture, State agricultural experiment stations, power suppliers and manufacturers of equipment.

Since 1944, the USDA Agricultural Research Administration has done the basic research work in the development, improvement and testing of farm and household electrical equipment. With present congressional appropriations, USDA farm electrification research is being conducted in 15 locations in 14 States, and at Beltsville, Md., by a professional staff of only 24 agricultural and electrical engineers. Twenty of the engineers engaged in this activity in cooperation with State experiment stations are provided laboratory and office space by the State station. The only Federal laboratory space available for farm electrification research is a 2,500 square foot section of the Agricultural Engineering Laboratory at Beltsville. This laboratory was built for research in farm field machinery, and is presently needed for that purpose.

The facilities, personnel, and money assigned to rural electrification research by the Federal Government are insufficient, indeed, when considered in relation to the potential of this activity—and to the practical accomplishments that can be gained only through research.

Let me mention some examples: Improved plant growth through artificial lighting; insect control with light traps;

inset control in harvested grain by means of radio-frequency treatment; electro-magnetic radiation control of weeds and weed seeds; radio frequency treatment to convert hard seed to immediately germinable seed; high frequency drying of grain to improve nutritional and germination properties; ultraviolet lamps for the possible increase of milk flow and egg production; heat pumps for heating and cooling; solar heating—and cooling—for conditioning forage and grain, heating livestock shelters and residences.

This list suggests but a few of the exciting possibilities in rural electrification research.

To give to this vital work the attention it deserves, in the interest of our Nation's agricultural prosperity—I am proposing with the introduction of my Senate bill, the establishment of a national farm electrification research laboratory, in the State of Minnesota, where our interest and contribution to the rural electrification program is a proud chapter in the history of the American farm and farmer.

As a leader in an imaginative program of cooperative research, such a facility will make a great contribution to opening new frontiers in farming through electrification research.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 859) to provide for the establishment of a farm electrification research laboratory in the State of Minnesota, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed to establish, equip, and maintain in the State of Minnesota, a central research laboratory, and at such laboratory, to conduct a program of research concerned with developing new and better methods of utilizing electricity to improve the quality of agricultural commodities and products, and to improve, modernize, and reduce the costs of farming operations.

SEC. 2. For the purposes of this Act, the Secretary is authorized to acquire land and interest therein, and to accept in the name of the United States donations of any property, real or personal, to the laboratory established pursuant to this Act, and to utilize voluntary or uncompensated services at such laboratory.

SEC. 3. In carrying out the purposes of this Act, the Secretary is authorized and directed to cooperate with other departments or agencies of the Federal Government, States, State agricultural experiment stations, and other State agencies and institutions, counties, municipalities, business, or other organizations, corporations, associations, cooperatives, universities, scientific societies, and individuals, upon such terms and conditions as he may prescribe.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act; but no

amount in excess of \$2,000,000 may be appropriated for the original construction and equipping of the laboratory authorized by the first section of this Act.

LIVESTOCK AND POULTRY PROTECTION

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to provide greater protection against the introduction and dissemination of diseases of livestock and poultry.

I introduced a similar bill in the last session of Congress and it passed the Senate on July 16, 1959. However, when the bill reached the House, certain provisions contained in it were objected to by members of the House Agriculture Committee. I have redrafted the bill to meet those objections.

Mr. President, the proposed legislation would give the Secretary of Agriculture the authority to properly dispose of animals which have been brought into this country or moved interstate in violation of a Federal quarantine, or which have been found on such movement to be infected or exposed to a dangerous communicable disease.

The Department of Agriculture is now powerless to seize and dispose of many such animals regardless of the disease involved as they can proceed against the violator only through normal court action. The disposal of animals under the proposed new authority would be in conformity with the requirements of the situation; for instance, one action might be taken in the case of foot-and-mouth disease and an entirely different action in the case of a less dangerous disease.

My bill also recognizes the dilemma in which the Department of Agriculture and the livestock producers of the Nation would find themselves in the event of an emergency outbreak of foot-and-mouth disease and the inability of an individual State to carry its share of the eradication effort. The proposed legislation would give the Secretary of Agriculture power to act in case of an extreme emergency, such as an unchecked outbreak of foot-and-mouth disease.

The Department of Agriculture has close cooperative arrangements with all the States looking toward the prevention of any such emergency condition through prompt cooperative action. In most circumstances these arrangements would prove most successful, but, in view of the increasing international traffic and the periodic outbreaks of foot-and-mouth disease in Canada and Mexico, we must be prepared to act immediately in case of an outbreak of an extremely dangerous foreign disease. We must also consider the possibility of biological warfare against our livestock.

In addition, the bill pertains to payments of indemnities, the cleaning of facilities, and the authority to inspect. The provisions regarding importation of livestock into the United States are necessary in order to deal adequately with such long incubation period diseases as scrapie and with livestock that have at one time or another been diseased or exposed to foot-and-mouth disease.

The remaining portion of the bill would amend current legislation to make the present laws to protect livestock and poultry more applicable to any disease. It also would relieve some uncertainty as to the coverage of Department of Agriculture employees under the statutes prohibiting assault upon or interference with the work of certain Federal employees.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 860) to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act unless the context indicates otherwise—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "animals" means all members of the animal kingdom including birds, whether domesticated or wild, but not including man.

(c) The term "United States" means the States, Puerto Rico, Guam, the Virgin Islands of the United States, and the District of Columbia.

(d) The term "interstate" means from a State or other area included in the definition of "United States" to or through any other State or other such area.

SEC. 2. (a) The Secretary, whenever he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States: (1) any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry; (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movement were so affected or exposed.

(b) Whereas the existence of any extremely dangerous, communicable disease of livestock or poultry, such as foot-and-mouth disease, rinderpest, or European fowl pest, on any premises in the United States would constitute a threat to livestock and poultry of the Nation and would seriously burden interstate and foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the outbreak of such a disease anywhere in the United States, and that such outbreak threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such

disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease: *Provided*, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction. The Secretary shall notify the appropriate official of the State or other jurisdiction before any action is taken in any such State or other jurisdiction pursuant to this subsection.

(c) The Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine and to dispose of such animal, carcass, product, or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections. If such owner or agent fails to do so after receipt of such notice, the Secretary may take action as authorized by said subsections (a) and (b) and recover from such owner or agent the reasonable costs of any care, handling, and disposal incurred by the Secretary in connection therewith. Such costs shall not constitute a lien against the animals, carcasses, products, or articles involved. Costs collected under this section shall be credited to the current appropriation for carrying out animal disease control activities of the Department.

(d) Except as provided in subsection (e) of this section, the Secretary shall compensate the owner of any animal, carcass, product, or article destroyed pursuant to the provisions of this section. Such compensation shall be based upon the fair market value as determined by the Secretary, of any such animal, carcass, product, or article at the time of the destruction thereof. Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the animal, carcass, product, or article. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.

(e) No such payment shall be made by the Secretary for any animal, carcass, product, or article which knowingly has been moved or handled by the owner thereof or his agent in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease, for which the animal, carcass, product, or article was destroyed or any law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

SEC. 3. The Secretary, in order to protect the health of the livestock or poultry of the Nation, may promulgate regulations requiring that railway cars; vessels; airplanes; trucks; and other means of conveyance; stockyards; feed, water, and rest stations; and other facilities, used in connection with the movement of animals into or from the United States, or interstate, be maintained in a clean and sanitary condition, including requirements for inspection, cleaning, and disinfection.

SEC. 4. The Secretary is authorized to promulgate regulations prohibiting or regulating the movement into the United States of any animals which are or have been affected with or exposed to any communicable animal disease, or which have been vaccinated or otherwise treated for any such disease, or which he finds would otherwise

be likely to introduce or disseminate any such disease, when he determines that such action is necessary to protect the livestock or poultry of the United States.

SEC. 5. Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease; (2) to stop and inspect, without a warrant, any person or means of conveyance moving interstate upon probable cause to believe that such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any Federal judge, or any judge of a court of record in the United States, or any United States commissioner, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Such warrants may be executed by any authorized employee of the Department of Agriculture.

SEC. 6. (a) Whoever knowingly violates any regulation promulgated pursuant to the provisions of sections 1 through 5 of this Act shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both.

(b) The Secretary may bring an action to enjoin the violation of, or to compel compliance with, any regulation promulgated or order issued under said sections, or to enjoin any interference by any person with an employee of the Department of Agriculture in carrying out any duties under said sections, whenever the Secretary has reason to believe that such person has violated, or is about to violate, any such regulation or order, or has interfered, or is about to interfere, with any such employee. Such action shall be brought in the United States district court, or the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the violation, omission, or interference has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found, and subpoenas for witnesses who are required to attend the court in any judicial district in any such cases may run into any other judicial district.

SEC. 7. Section 11 of the Act of May 29, 1884 (53 Stat. 734), as amended (21 U.S.C. 114a), is further amended by inserting the words "any communicable diseases of livestock or poultry, including, but not limited to," after the word "eradicate".

SEC. 8. (a) The first section of the Act of March 3, 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "any animals", and by inserting after the word

"disease" the words "of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia".

(b) Sections 2, 3, and 4 of such Act (33 Stat. 1264, 1265), as amended (21 U.S.C. 124, 125, 126), are further amended by striking out the phrase "cattle or other livestock" each time such phrase appears in those sections and inserting in lieu thereof the words "quarantined animals".

SEC. 9. The first proviso under the heading "General Expenses, Bureau of Animal Industry" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June Thirtieth, nineteen hundred and fifteen", approved June 30, 1914 (38 Stat. 419), as amended (21 U.S.C. 128), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the word "quarantined animals".

SEC. 10. Section 1114 of title 18 of the United States Code is amended by inserting after "wild birds and animals," the following: "any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases,".

SEC. 11. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 12. The authority conferred by this Act shall be in addition to authority conferred by other statutes. Any provision of any other Act inconsistent with the provisions of this Act is hereby repealed.

SEC. 13. If any provision of this Act or application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

AMENDMENT OF WATER POLLUTION CONTROL ACT

Mr. HUMPHREY. Mr. President, on behalf of myself and the junior Senator from Minnesota [Mr. McCARTHY], I introduce a bill to amend the Water Pollution Control Act to provide for a more effective and enlarged program of water pollution control. This is a companion measure to one which is being offered today in the House of Representatives by Representative JOHN BLATNIK of Minnesota, Chairman of the Subcommittee on Rivers and Harbors of the Committee on Public Works.

The Water Pollution Control Act, as passed in 1956, authorizes Federal matching grants of \$50 million a year for 10 years to help communities construct needed sewage treatment plants. The Federal grant for any one project is limited to \$250,000, or 30 percent, whichever is smaller.

As Senators will recall, in the last Congress I joined with Representative BLATNIK in offering legislation to expand this grant program by increasing the annual authorization to \$100 million. Congress approved an increase in the annual authorization to \$90 million, but, unfortunately, President Eisenhower vetoed the bill. This bill will do what was sought to be done last year. I say "unfortunately" because I am firmly convinced that this program of joint

Federal-State effort has, beyond a shadow of a doubt, proven its worth.

Since the Federal grants program began in 1956 sewage treatment construction across the Nation has nearly doubled. In the preceding 5-year period, 1952-56, such construction averaged \$222 million annually. In 1957 construction awards totaled \$351 million; \$389 million in 1958; \$349 million in 1959, and an estimated \$350 million in 1960.

The Public Health Service itself estimates that even this construction rate is not adequate to meet the country's needs. Public Health Service estimates that the construction rate must be at least \$575 million annually for the next several years if we are to catch up with the backlog of needed sewage treatment construction programs and keep up with greater pollution loads resulting from increased population and industrial development.

The best argument for this Federal grant program is to simply cite the fine results that have been attained already under this program—after only 4 years of operation. And this increase in sewage treatment construction programs has taken place without the Federal Government encroaching upon the States. The Public Health Service, in administering this program of grants, has kept its hands off in deciding where the money will be spent; the States themselves have been making such decisions.

Mr. President, the Federal Water Pollution Control Act of 1956, has indeed been an outstanding success. It has demonstrated what the Federal and State Governments can accomplish by working together. The continuance and the expansion of such a program is, in my opinion, an absolute necessity.

This legislation is definitely in the public interest. It cannot be charged that this is a reckless expenditure of Federal funds. Its provisions are sound and designed to bring the sewage treatment program up to the minimum required level.

The bill which we are offering today in the Senate and in the House would amend the present act as follows:

1. FINANCIAL ASSISTANCE TO COMMUNITIES

First. Increase annual authorization for construction grants from \$50 million to \$125 million and total grant authorization from \$500 million to \$1,250 million.

Second. Increase maximum grants from 30 percent of the cost of the project, or \$250,000, whichever is smaller, to 30 percent of the cost, or \$600,000, whichever is smaller.

Third. Permit projects serving more than one municipality to receive a grant equal to the pro rata total of each project's allowable grant.

Fourth. Authorize reallocation of unused State allocations to States where applications for funds exceed regular allotment.

Fifth. Extend provisions of Davis-Bacon Act to projects receiving construction grants.

2. FEDERAL ENFORCEMENT PROCEDURES

First. Make all navigable waters and coastal waters subject to Federal abatement enforcement authority, whether or

not there is a showing of interstate pollution, if abatement action is requested by a State or a municipality with the concurrence of the State.

Second. Authorize the Secretary of Health, Education, and Welfare to issue final orders in enforcement actions.

Third. Make discharges from Federal installations subject to administrative findings and recommendations in Federal water pollution abatement actions conducted by the Department of Health, Education, and Welfare.

Fourth. Establish \$25 million enforcement construction grants fund to be available for financially hard-pressed communities required to construct treatment facilities as a result of Federal enforcement action, such funds to be available over and above the regular State allotment of construction grant funds.

3. RESEARCH

First. Authorize establishment of field laboratory and research facilities for expanded water pollution control research activities, including the establishment of regional laboratories in different sections of the country.

Second. Authorize special study of Great Lakes pollution problems.

4. STATE AND FEDERAL ADMINISTRATION

First. Retain State's primary rights and responsibilities for the control of water pollution.

Second. Extend the provision for Federal grants to State and interstate water pollution control agencies for administration of their programs and increase Federal participation from \$3 million to \$5 million.

Third. Establish independent Water Pollution Control Administration within Department of Health, Education, and Welfare to administer Federal water pollution control program and activities.

Mr. President, I ask unanimous consent that this bill remain at the desk until February 16 to permit additional cosponsors who may wish to join on this measure.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Minnesota.

The bill (S. 861) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, introduced by Mr. HUMPHREY (for himself and Mr. McCARTHY), was received, read twice by its title, and referred to the Committee on Public Works.

OLD FORT DAVIS, TEX.

Mr. YARBOROUGH. Mr. President, in the rugged grandeur of the Davis Mountains, in Jeff Davis County, Tex., stand the ruins of historic Old Fort Davis, Tex. For more than a quarter century, from the time of its founding in 1854, soldiers barracked at this frontier outpost, fought off Apache uprisings, and as best they could protected the widely separated ranches and the "forty-niners" who were traveling overland on their way to California.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE
(For information only;
should not be quoted
or cited)

CONTENTS

Issued July 19, 1961
For actions of July 18, 1961
87th-1st, No. 120

Adjournment.....	18
Agricultural	
appropriations.....	1
Appropriations....	1,9,17,20
Atomic energy.....	14
Cheese.....	13,30
Consultants.....	32
Education.....	22
Electrification.....	16,26
Ethics.....	21
Farm labor.....	2
Farm program....	8,17,19,25
Feed grains.....	5
Foreign aid.....	28
Hearing examiners.....	15
Legislative program....	17
Livestock diseases.....	2

Motor vehicles.....	3
Personnel.....	3,21,32
Research.....	29
Saline water.....	29
Stockpiling.....	11
Surplus commodities.....	31
Textiles.....	12,27
Trade fairs.....	6
Transportation.....	23
Water resources.....	4,24
Weather.....	7
Wildlife.....	10

HIGHLIGHTS: House committee approved farm bill. Both Houses agreed to conference report on agricultural appropriation bill. Senate subcommittee approved bill to extend Mexican farm labor program. Sen. McCarthy urged legislation for higher wages for Mexican farm laborers. Sen. Williams, Del., criticized feed grains program. Sen. Anderson announced joint committee hearings on water resources bill for July 26. Senate committee reported legislative branch appropriation bill.

SENATE

1. AGRICULTURAL APPROPRIATION BILL, 1962. Both Houses agreed to the conference report on this bill, H. R. 7444, and acted on amendments in disagreement (pp. 11854-7, 11929-32). This bill will now be sent to the President. Action was taken on the amendments in disagreement as follows:

Amendment No. 4: Concurred in the Senate amendment providing that this Department shall have first priority of available foreign currencies arising from Public Law 480 activities, and providing \$5,265,000 for ARS for the purchase of such foreign currencies for market development research in foreign countries and for agricultural and forestry research in cooperation with foreign countries.

Amendment No. 5: Concurred in the Senate amendment providing that the Secretary of Agriculture may purchase land at a price not in excess of \$10 for construction of ARS facilities at Columbia, Mo.

Amendment No. 17: Concurred in a substitute amendment by Rep. Whitten to provide that \$10,000,000 of the appropriation for the school lunch program shall be available for assistance under sec. 6 of the National School Lunch Act, in addition to amounts normally expended for commodity procurement under that section, \$2,500,000 of which may be distributed to provide special assistance to needy schools which because of poor local economic conditions (1) have not been operating a school lunch program or (2) have been serving free or at substantially reduced prices at least 20 percent of the lunches to the children.

Amendment No. 19: Concurred in the Senate amendment providing that this Department shall have first priority to available foreign currencies arising from Public Law 480 activities, and providing \$3,444,000 for FAS for the purchase of such currencies for market development activities in foreign countries.

Amendment No. 22: Concurred in the Senate amendment providing that the 1962 ACP program may include related wildlife conservation practices whenever these practices are included as a part of the conservation program.

Amendment No. 23: Concurred in a substitute amendment by Rep. Whitten providing that hereafter not to exceed 10 percent (rather than 15 percent as proposed by the Senate) of the basic allocation of ACP funds for any State may be used to increase the State's preceding program.

Amendment No. 35: Concurred in the Senate amendment providing that the Secretary may transfer additional amounts to the appropriation for the Office of the General Counsel from other appropriations available to the Department for salaries and expenses for the current fiscal year, but that the appropriation for OCC shall not be increased by more than 7 percent by reason of such transfers.

Amendment No. 38: Concurred in the Senate amendment providing \$100,000 for planning, promoting, coordinating, and assisting participation by industry, trade associations, commodity groups, and similar interests in the celebration of the centennial of the establishment of the Department of Agriculture, including not to exceed \$20,000 for additional printing costs of the 1962 Yearbook of Agriculture.

2. FARM LABOR; LIVESTOCK DISEASES. The Subcommittee on Agricultural Research and General Legislation of the Agriculture and Forestry Committee approved for full committee consideration S. 360, to grant the Secretary of Agriculture additional authority for protection against the introduction and dissemination of diseases of livestock and poultry, and, with an amendment in the nature of a substitute, H. R. 2010, to extend the Mexican farm labor program. p. D582

Sen. McCarthy urged modification of the Mexican farm labor program to provide that growers, to be eligible to contract for Mexican nationals, must offer them wages at least equivalent to the average hourly farm wage in the State, or the national farm wage average, whichever is lesser, stated that this "provides an objective and reasonable criterion," and inserted several items on this matter. pp. 11955-7

3. PERSONNEL; MOTOR VEHICLES. The "Daily Digest" states that a subcommittee of the Judiciary Committee approved for "full committee consideration H. R. 2883 (S. 202), providing for defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment (amended)." p. D583

Daily Digest

HIGHLIGHTS

Both Houses cleared Agriculture appropriation bill for President.
Senate passed AEC authorization bill.

Senate

Chamber Action

Routine Proceedings, pages 11888-11898

Bills Introduced: 12 bills were introduced, as follows:
S. 2267-2278. Pages 11895-11896

Bills Reported: Reports were made as follows:

H.J. Res. 463, extending through June 30, 1962, the life of the U.S. Citizens Commission on NATO (S. Rept. 567);

S. 2032, consenting to the amendment of the compact between Pennsylvania and Ohio relating to Pymatuning Lake, with amendment (S. Rept. 568);

S.J. Res. 49, providing for the establishment of an annual Youth Appreciation Week (S. Rept. 569);

H.R. 7208, fiscal 1962 appropriations for the Legislative Branch, with amendments (S. Rept. 570);

S. Res. 158, disapproving Reorganization Plan No. 5 of 1961, dealing with the National Labor Relations Board (reported unfavorably), with minority views (S. Rept. 571);

S. 513, authorizing the vessel *Acadia*, of Port Clyde, Maine, to be documented as a vessel of the U.S. with coastwise privileges (S. Rept. 572); and

H.R. 1182, creating the Wyandotte National Wildlife Refuge, Mich. (S. Rept. 573). Page 11889

Bills Referred: 11 House-passed bills were referred to appropriate committees. Page 11888

Bill Placed on Calendar: H.R. 7454, consenting to the amendment of the compact between Pennsylvania and Ohio relating to Pymatuning Lake, was ordered to be placed on calendar. Page 11888

Bill Re-referred: Committee on Government Operations was discharged from further consideration of S. 2189, proposed Federal Administrative Practice Act, and the bill was then re-referred to Committee on the Judiciary. Page 11897

Agriculture Appropriations: Senate adopted conference report on and cleared for President H.R. 7444, fiscal 1962 appropriations for the Department of Agriculture, and related agencies. In connection with this

action, Senate concurred in House amendments to Senate amendments Nos. 17 and 23. Pages 11929-11932

Legislative Appropriations: Senator Pastore filed notices of intention to move to suspend the rules and offer three amendments to H.R. 7208, fiscal 1962 appropriations for the Legislative Branch. Page 11897

Library of Congress Collections: Senate concurred in House amendments to S. 1644, providing for the indexing and microfilming of certain records of the Russian Orthodox Greek Catholic Church in Alaska in collections of the Library of Congress. Page 11955

AEC Authorizations: H.R. 7576, authorizing funds for the Atomic Energy Commission for fiscal year 1962, was passed after substituting for its text the amended language of S. 2043, companion bill, which had first been amended by adoption of an amendment by Senator Randolph to authorize \$5 million for project for nuclear processes utilizing coal. Senate also rejected, by 36 yeas to 53 nays (motion to reconsider tabled), an amendment by Senator Hickenlooper to eliminate provision in bill authorizing \$95 million for electric generating facilities for the new production reactor, Hanford, Wash., and to eliminate provision for disposition of electric energy produced by certain special nuclear materials projects.

S. 2043, companion bill, was indefinitely postponed.

Pages 11898, 11919-11929, 11932-11955, 11958-11960

Authority To Report: All committees were authorized to file reports during the adjournment of the Senate through Wednesday, July 19. Page 11969

Legislative Program: Majority leader announced that on Thursday, July 20, Senate will consider H.R. 7208, Legislative appropriations, and S. Res. 158, Reorganization Plan No. 5 (NLRB); on Friday, July 21, H.R. 7445, Independent Offices appropriations, and call of calendar (not necessarily in that order); and on Monday, July 24, S. 1643, farm bill. Page 11969

Record Vote: One record vote was taken during Senate proceedings today. Page 11955

Confirmations: Two judicial nominations were confirmed. Page 11971

Nominations: Senate received the following nominations: Two civilian; four judicial; and two Coast Guard.

Page 11971

Program for Thursday: Senate met at noon and adjourned at 6:14 p.m. until noon Thursday, July 20, when it will consider H.R. 7208, Legislative appropriations, and S. Res. 158, Reorganization Plan No. 5 (NLRB).

Pages 11969, 11971

Committee Meetings

(Committees not listed did not meet)

LIVESTOCK DISEASES, AND ~~MEXICAN LABOR~~

Committee on Agriculture and Forestry: Subcommittee on Agricultural Research and General Legislation, in executive session, approved for full committee consideration S. 860, providing greater protection against introduction of diseases of livestock and poultry, and with an amendment in the nature of a substitute H.R. 2010, extending the provisions of the Agricultural Act relating to employment of agricultural workers from Mexico.

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee continued its hearings on H.R. 7851, fiscal 1962 appropriations for the Defense Establishment, receiving testimony in behalf of funds for their department from Gen. Curtis E. LeMay, Chief of Staff, Lt. Gen. Mark E. Bradley, Jr., Deputy Chief of Staff for Systems and Logistics, and other Air Force officials.

Hearings continue tomorrow.

APPROPRIATIONS—INDEPENDENT OFFICES

Committee on Appropriations: Committee met in executive session to mark up H.R. 7445, fiscal 1962 appropriations for independent offices, but did not conclude action thereon, and recessed subject to call of the Chair.

APPROPRIATIONS—LEGISLATIVE

Committee on Appropriations: Committee, in executive session, marked up and ordered favorably reported with amendments H.R. 7208, fiscal 1962 appropriations for the Legislative Branch. As approved by the committee, the bill would provide a total of \$135,432,065, an increase of \$31,078,730 over the House-passed figure of \$104,353,335.

APPROPRIATIONS—RECLAMATION

Committee on Appropriations: Subcommittee continued its hearings on fiscal 1962 budget estimates for the Bureau of Reclamation, with testimony on funds for projects in their respective States from Senators McGee and Yarborough; and Floyd E. Dominy, Commissioner, and other representatives of the Bureau of Reclamation, who testified on various reclamation items.

Hearings continue tomorrow.

MISSILE PROGRAM

Committee on Armed Services: The Preparedness Investigating Subcommittee began a series of executive hearings to receive testimony and briefings on the subject of strategic weapons and weapons delivery systems. Witnesses heard were Allen W. Dulles, Director, CIA; Maj. Gen. J. M. Willems, Assistant Chief of Staff for Intelligence, Army; Rear Adm. V. L. Lowrance, Director of Naval Intelligence; and Maj. Gen. R. A. Breitweiser, Director of Intelligence, Air Force.

Hearings continue tomorrow.

DISCLOSURE OF FINANCE CHARGES

Committee on Banking and Currency: Subcommittee on Production and Stabilization continued its hearings on S. 1740, to require disclosure of finance charges in connection with extensions of credit, receiving testimony from Morris D. Crawford, Jr., Raymond Rodgers, professor, NYU, Dr. James H. Kohlerman, and Dr. Elmer H. Harmon, all representing the Savings Bank Association of New York, National Association of Mutual Savings Banks, and the Bowery Savings Bank; Herbert Cheever, vice president, National Bank of Brookings, Brookings, S. Dak.; and Dr. Robert W. Johnson, Michigan State University.

Hearings continue tomorrow.

COMMITTEE BUSINESS

Committee on Commerce: Committee, in executive session, ordered favorably reported S. 1703, to amend the Federal Airport Act so as to extend the time for making grants under the provisions of such act (amended); S. 2034, to reorganize certain administrative functions of the FCC (amended); H.R. 1182, to create the Wyandotte National Wildlife Refuge, Mich.; S. 1978, partially exempting motor transportation by or for water common carriers within terminal areas from certain provisions of the Interstate Commerce Act; S. 1589, to amend the Communications Act so as to authorize issuance of radio operators licenses to nationals of the U.S.; S. 685, relating to personnel of the Coast and Geodetic Survey (amended); S. 2085, to amend the Merchant Marine Act in order to extend the time for commitment of construction reserve funds; and S. 513, authorizing the vessel *Acadia*, of Port Clyde, Maine, to be documented as a vessel of the U.S. with coastwise privileges.

The committee announced that additional hearings will be held on July 25 on S. 1197, relating to the rule of ratemaking where competition between carriers of different modes of transportation is involved; and that hearings will be held on July 26 on the nominations of A. Everett MacIntyre, to be a member of the FTC; Lawrence J. O'Connor, Jr., to be a member of the FPC; and Rear Adm. John Harlee, to be a member of the Federal Maritime Board.

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE
(For information only;
should not be quoted
or cited)

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued July 20, 1961

For actions of July 19, 1961

87th-1st, No. 121

CONTENTS

Appropriations.....	5
Assistant Secretaries....	3
Buildings.....	30
Corn.....	17
Cotton imports.....	26
Dairy subsidies.....	21
Education.....	2,25
Expenditures.....	19
Fair trade.....	11
Farm labor.....	1,7
Farm program.....	27
Food.....	18
Foreign aid.....	15
Foreign trade.....	16,24,31
Forestry.....	1
Lands.....	9
Livestock and poultry....	1
Monopolies.....	12
Peace Corps.....	32
Per diem.....	4

Personnel.....	3,4,28
Public debt.....	13
Reclamation.....	23
Recreation.....	33
Retirement.....	28
Rivers and harbors.....	20
Small business.....	12
Sugar.....	6
Surplus commodities..	16,24
Textiles.....	22
Travel rates.....	4
Virgin Islands.....	10
Water resources.....	8
Wilderness.....	29
Wildlife.....	14
Youth Corps.....	34

HIGHLIGHTS: Senate committee voted to report bill to extend Mexican farm labor program. House subcommittee voted to report bill to extend Fair Labor Standards Act to children employed in agriculture. House Rules Committee tabled measure to authorize investigation of sugar program. House received conference report on general Government matters-Commerce appropriation bill. Rep. Cooley introduced farm bill.

SENATE

1. THE AGRICULTURE AND FORESTRY COMMITTEE voted to report (but did not actually report) the following bills: p. D587

~~H. R. 2010, with amendments, to extend the Mexican farm labor program.~~

S. 860, without amendment, to grant the Secretary of Agriculture additional authority for protection against the introduction and dissemination of diseases of livestock and poultry.

S. 702, without amendment, to authorize the Secretary of Agriculture to exchange a tract of forest land with the town of Afton, Wyo.

H. R. 2249, without amendment, to authorize the Secretary of Agriculture to convey a tract of forest land in Calif. to Trinity County.

H. R. 2250, without amendment, to authorize the Secretary of Agriculture to convey a tract of forest land in Lassen County, Calif., to the city of Susanville.

2. EDUCATION. The Labor and Public Welfare Committee voted to report (but did not actually report) an original bill to amend and extend provisions of the National Defense Education Act. p. D588

3. PERSONNEL. The Labor and Public Welfare Committee approved S. 2073, to authorize two additional Assistant Secretaries in the Department of Health, Education,

and Welfare, and S. 1815, to authorize one additional Assistant Secretary in the Department of Labor. p. D588

4. TRAVEL RATES. As reported (see Digest 118) H. R. 3279, to increase the maximum rates of per diem allowance for employees of the Government traveling on official business, includes provisions as follows:

Increases the normal maximum per diem allowance from \$12 to \$16 for regular full-time employees of the Government and makes the same adjustment in the rate applicable to intermittent and w.o.c. employees.

Increases the maximum allowance for official travel authorized to be performed on an actual expense basis from \$25 to \$30 per day.

Increases the maximum allowance for use of privately owned automobiles or airplanes from 10 cents to 12 cents per mile.

Increases the maximum allowance for the use of privately owned motorcycles from 6 cents to 8 cents per mile.

Allows reimbursement on an actual expense basis up to \$10 in excess of the normal per diem allowance established in a given country for employees traveling outside the continental United States or Alaska when authorized due to unusual circumstances surrounding the travel.

Adds parking fees when incurred while in official travel status as an item of expense for which reimbursement is permissible.

Transfers to the President authority now vested in the Bureau of the Budget to establish per diem rates outside the continental United States.

Preserves the status of Alaska and Hawaii that existed prior to their obtaining statehood as areas in which travel allowance would be fixed on the basis of cost.

HOUSE

5. APPROPRIATIONS. Received the conference report on H. R. 7577, the general Government matters-Commerce appropriation bill for 1962 (H. Rept. 744) (pp. 11973-4, 12018). The bill includes \$27,400,000 for financing forest highways out of trust funds. Also, it includes the general provisions applicable to the Government generally as included in the bill as passed by the House (see Digest 98). The bill also includes items for the Budget Bureau, Council of Economic Advisers, Census Bureau, Bureau of Public Roads, Weather Bureau, Advisory Commission on Intergovernmental Relations, Small Business Administration, and Tariff Commission.
6. SUGAR. The Rules Committee tabled H. Res. 364, to authorize an investigation by a select committee of the House for the purpose of determining whether the public interest would be served by modifying or discontinuing the sugar program. p. D591
7. AGRICULTURAL LABOR. The Education and Labor Committee reported with amendments H. R. 7812, to provide for the registration of contractors of migrant agricultural workers (H. Rept. 743). p. 12018
The "Daily Digest" states that the Select Subcommittee on Labor of the Education and Labor Committee "met in executive session and ordered a clean bill introduced for reporting to the House in lieu of H. R. 8191, to extend the child labor provisions to certain children employed in agriculture." p. D590
8. WATER RESOURCES. The "Daily Digest" states that the Rules Committee "granted an open rule on H. R. 30, granting the consent and approval of Congress to the northeastern water and related land resources compact." p. D591

Daily Digest

HIGHLIGHTS

House debated NLRB reorganization plan.

Senate

Chamber Action

The Senate was not in session today. Its next meeting will be held Thursday, July 20, at noon.

Committee Meetings

(Committees not listed did not meet)

COMMITTEE BUSINESS

Committee on Agriculture and Forestry: Committee, in executive session, ordered favorably reported without amendment S. 860, providing greater protection against introduction of diseases of livestock and poultry; S. 702, authorizing exchange of certain lands in Wyoming with the town of Afton; H.R. 2249, conveying certain property in California to the county of Trinity; and H.R. 2250, to convey certain lands in Lassen County, Calif., to the city of Susanville; and with amendments H.R. 2010, extending the provisions of the Agricultural Act relating to employment of agricultural workers from Mexico.

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee continued its hearings on H.R. 7851, fiscal 1962 appropriations for the Defense Establishment, with testimony in behalf of funds for their department from Brig. Gen. W. E. Leonhard, Budget Officer, and Lt. Gen. Mark E. Bradley, Jr., Deputy Chief of Staff for Systems and Logistics, both of the Air Force; and Maj. Gen. Winston P. Wilson, Chief of the Air Force Division, National Guard Bureau.

Hearings were recessed subject to call.

APPROPRIATIONS—RECLAMATION

Committee on Appropriations: Subcommittee continued its hearings on fiscal 1962 budget estimates for the Bureau of Reclamation, with testimony on funds for projects in their respective States from Senators Metcalf, Hickey, and Schoeppel; and Floyd E. Dominy, Commissioner, and other representatives of the Bureau of Reclamation, who testified on funds for construction and rehabilitation items.

Hearings continue tomorrow.

MISSILE PROGRAM

Committee on Armed Services: The Preparedness Investigating Subcommittee continued its series of executive hearings to receive testimony on the subject of strategic weapons and weapons delivery systems, having as its witnesses Secretary Eugene M. Zuckert, and Chief of Staff Gen. Curtis E. LeMay, both of the Air Force.

Hearings continue tomorrow.

STATUS OF FORCES TREATY

Committee on Armed Services: The Status of Forces Treaty Subcommittee received the annual report of the Department of Defense on the operation under article VII of the NATO Status of Forces Treaty. Witnesses heard were Benjamin Forman, Assistant General Counsel (International Affairs), and Brig. Gen. Alan B. Todd, Assistant JAG for Military Justice, both of the DOD.

The subcommittee approved this report for full committee consideration.

DISCLOSURE OF FINANCE CHARGES

Committee on Banking and Currency: Subcommittee on Production and Stabilization continued its hearings on S. 1740, to require disclosure of finance charges in connection with extensions of credit, receiving testimony from William McC. Martin, Jr., Chairman, Board of Governors of the Federal Reserve System; Richard L. D. Morse, professor, Kansas State University; Dr. Albert Haring, National Retail Furniture Association; and Edward J. Frey, U.S. Chamber of Commerce.

Hearings continue tomorrow.

REORGANIZATION—MARITIME BOARD

Committee on Commerce: The Merchant Marine and Fisheries Subcommittee held and concluded hearings on Reorganization Plan No. 7 of 1961, dealing with the Federal Maritime Board, with testimony from Senators Long (Hawaii), and Gruening; Luther H. Hodges, Secretary of Commerce; Harold Seidman, Office of Management and Organization, Bureau of the Budget; Thomas E. Stakem, Chairman, and Ralph E. Wilson, Member, both of the Federal Maritime Board; David Gibbons, representing the Committee of American

Steamship Lines; Ira L. Ewers, Maritime Law Association of the United States; W. C. Farnell, representing Labor-Management Coastwise Conference; and Carl Wheeler, Sea-Land Services of Puerto Rico.

D.C. MATTERS

Committee on the District of Columbia: Subcommittee on Fiscal Affairs held and concluded hearings on the following bills:

S. 982 and S. 1745, relating to the regulation of fares for the transportation of schoolchildren in the D.C., with testimony from O. Roy Chalk, president, D.C. Transit Co., accompanied by his associates; Albert L. Sklar, Washington Metropolitan Area Transit Commission; Harold A. Kertz, D.C. Public Utilities Commission; George F. Donnell, Assistant Corporation Counsel, D.C.; and public witnesses representing various organizations; and

S. 1528 and S. 1918, relating to retirement benefits for former D.C. policemen and firemen, with testimony from Walter N. Tobriner, President, D.C. Board of Commissioners; Maj. Robert V. Murray, Chief of Metropolitan Police; Chief Millard H. Sutton, D.C. Fire Department; and several public witnesses representing various organizations.

COMMITTEE BUSINESS

Committee on Finance: Committee, in executive session, order favorably reported the nomination of William Fay, of Pennsylvania, to be judge of the U.S. Tax Court.

Also, the committee received the views of Commissioner of Internal Revenue Mortimer M. Caplin on an amendment to be proposed by Senator Butler to allow deduction for payment of redeemable ground rent and for real property taxes paid on property subject to redeemable ground rent.

FOREIGN AID

Committee on Foreign Relations: Committee continued its executive consideration of S. 1983, proposed foreign aid authorizations bill, but did not conclude action thereon, and will meet again tomorrow when it will vote on the bill, including amounts, and on S. Con. Res. 22, expressing the sense of Congress against the seating of Communist China in the U.N.

ANTITRUST—DRUG INDUSTRY

Committee on the Judiciary: The Antitrust and Monopoly Subcommittee continued its hearings on S. 1552, to

amend the antitrust laws with respect to the manufacture and distribution of drugs, having as its witnesses Dr. David Barr, president, The Health Plan of Greater New York; Dr. William Bean, Iowa State University; and Dr. Louis Lasagna, Johns Hopkins University.

Hearings continue tomorrow.

PRIVATE CLAIM BILL

Committee on the Judiciary: Subcommittee held hearings on S. 119, a private claim bill, receiving testimony from Senators Keating and Javits; Representative St. George; and Lorentz J. Graber, mayor, George Hostell, and J. L. Hicks, all of Highland Falls, N.Y.

TOKENS

Committee on the Judiciary: The ad hoc subcommittee held hearings on S. 2242, to prohibit certain acts involving the use of tokens, slugs, etc., which are similar in size to U.S. coins or currency. Testimony was received from Senator Symington, who submitted a statement; Walter Mayne, an attorney of St. Louis; C. S. Darling, and others representing the National Automatic Merchandising Association, Chicago; David Elliott, ABT Manufacturing Co., Rockford, Ill.; William Martin and William Young, Georgia Automatic Merchandising Council, Columbus; Edward Richmond, Automatic Canteen Co. of America, Chicago; Richard Howard, Automatic Retailers of America, Indianapolis; and Bradford Ross, U.S. Independent Telephone Association.

EDUCATION

Committee on Labor and Public Welfare: Committee, in executive session, ordered favorably reported an original bill to amend and extend provisions of the National Defense Education Act. Committee agreed to file a report on this bill by Thursday, July 27.

Also, the committee approved without amendment S. 2073, authorizing two additional Secretaries in the Department of Health, Education, and Welfare, and S. 1815, authorizing one additional Assistant Secretary of Labor.

FEDERAL ELECTIONS

Committee on Rules and Administration: Subcommittee on Privileges and Elections resumed its executive consideration of S. 604, proposed Federal Elections Act, but did not conclude action thereon, and recessed subject to call.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE
(For information only;
should not be quoted
or cited)

CONTENTS

Issued July 21, 1961
For actions of July 20, 1961
87th-1st, No. 122

Adjournment.....	9,20
Appropriations.....	3,5,11
CCC appraisals.....	3
Cheese imports.....	23
Civil defense.....	18
Committees.....	8
Conservation reserve.....	1
Education.....	28
Electrification.....	24
Ethics.....	7
Farm labor.....	31
Farm program.....	1,10,19
Foreign aid.....	12,19,21
Foreign trade.....	29
Forestry.....	13
4-H Clubs.....	16
Grants-in-aid.....	26
Legislative program.....	19

Livestock and poultry.....	13
National parkways.....	27
Nomination.....	14
Personnel.....	6
Recreation.....	27
Research.....	15,32
Small business.....	30
Surplus commodities.....	29
Surplus grain.....	2
Textile imports.....	25
Transportation.....	17
Water pollution.....	33
Water resources.....	4,22
Wildlife.....	2

HIGHLIGHTS: House committee voted to report farm bill and bill to permit removal of hay on conservation reserve acreage adjacent to disaster areas. Committee received permission to report these bills this weekend. House agreed to conference report on general Government - Commerce appropriation bill. Sen. Proxmire submittee amendment to farm bill to provide individual producer milk allotments in local areas. Senate passed legislative branch appropriation bill.

HOUSE

- 1. FARM PROGRAM.** The Agriculture Committee voted to report (but did not actually report) with amendments H. R. 8230, the omnibus farm bill, and S. 2197, to authorize the Secretary of Agriculture to permit the removal of hay from, or grazing on, conservation reserve lands adjacent to or near disaster areas (pp. D596-7). The Committee was granted until midnight Sat., July 22, to file reports on these bills (p. 12163).
- 2. SURPLUS GRAIN.** The Banking and Currency Committee reported without amendment S. 614, to permit the States in emergency situations to obtain grain from CCC to prevent starvation of resident game birds and other resident wildlife (H. Rept. 746). p. 12184
- 3. CCC APPRAISALS.** The Banking and Currency Committee reported without amendment S. 763, to authorize annual appropriations to reimburse CCC for net realized losses sustained during any fiscal year in lieu of annual appropriations to restore capital impairment based on annual Treasury appraisals. The bill provides for the amount of net gain or loss realized by CCC to be determined from the Corporation's financial statements as of the end of each fiscal year instead of requiring the Secretary of the Treasury to make an annual independent appraisal of the Corporation's assets and liabilities for the purpose of determining the net worth of the Corporation. (H. Rept. 751). p. 12184

4. WATER RESOURCES. The Rules Committee reported a rule for the consideration of H. R. 30, granting the consent and approval of Congress to the Northeastern Water and Related Land Resources Compact. pp. 12122, 12184
5. APPROPRIATIONS. Agreed to the conference report on H. R. 7577, the general Government matters-Commerce appropriation bill for 1962, and acted on amendments in disagreement (pp. 12135-9). See Digest 121 for items of interest. The Appropriations Committee was granted until midnight Fri., July 21, to file a report on the military construction appropriation bill for 1962. p. 12122
6. PERSONNEL. Subcommittee No. 2 of the Judiciary Committee voted to report to the full committee with amendments H. R. 4131, to authorize the waiver of collection of certain erroneous payments made by the Federal Government to certain civilian and military personnel. p. D597
7. ETHICS. The Judiciary Committee reported with amendments H. R. 8140, to strengthen the criminal laws relating to bribery, graft, and conflicts of interest (H. Rept. 748). p. 12184
8. COMMITTEES. Received reports of the House committees on salaries and expenses of the committees for the 6-months period ending June 30, 1961. pp. 12178-84
9. ADJOURNED until Mon., July 24. pp. 12153, 12178

SENATE

10. FARM PROGRAM. Sen. Proxmire submitted an amendment intended to be proposed to S. 1643, the omnibus farm bill, which would amend the Agricultural Marketing Agreement Act of 1937 so as to provide for individual producer milk allotments in local and regional marketing areas. He stated that the proposed amendment "would permit dairy farmers to adopt milk sales allotments for individual dairy farms which would enable them to manage total marketing of milk from each such farm in line with their sales of fluid milk." pp. 12034-5
Sen. Miller inserted an article critical of the omnibus farm bill. pp. 12061-2
11. LEGISLATIVE BRANCH APPROPRIATION BILL, 1962. Passed as reported this bill, H. R. 7208 (pp. 12085-6, 12092-6). Conferees were appointed (p. 12096).
12. FOREIGN AID. The Foreign Relations Committee was granted permission to file a report during adjournment of the Senate this week-end on S. 1983, the foreign aid authorization bill. p. 12021
Sen. Humphrey discussed the importance of the foreign aid program and inserted an editorial, "Long-Term Foreign Aid," and a copy of a joint letter from Secretaries Rusk and Dillion to members of Congress "commenting on some of the more controversial sections of the foreign-aid program." pp. 12049-51
Sen. Williams, Del., inserted an article critical of the foreign aid program. p. 12091
13. THE AGRICULTURE AND FORESTRY COMMITTEE reported the following bills: p. 12022
S. 860, without amendment, to grant the Secretary of Agriculture additional authority for protection against the introduction and dissemination of disease of livestock and poultry (S. Report 582).
H. R. 2249, without amendment, to authorize the Secretary of Agriculture to convey a tract of forest land in Calif. to Trinity County (S. Rept. 580).
H. R. 2250, without amendment, to authorize the Secretary of Agriculture

ANIMAL QUARANTINE LAWS

JULY 20, 1961.—Ordered to be printed

Mr. JORDAN, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 860]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 860) to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes, having considered the same, report thereon with a recommendation that it do pass without amendment.

GENERAL PURPOSE OF BILL

This bill, except for minor changes of a technical nature, is identical to S. 864 of last Congress, as passed by the Senate on July 16, 1959. It is designed to close a number of gaps which have shown up in the animal quarantine laws and to clarify authority for certain actions under such laws. Those laws have been enacted from time to time to meet particular situations. They are applicable to specific animals, diseases, or circumstances, and fail to cover, or provide different authority with respect to, other animals, diseases, and circumstances where there is a need for uniform, broad authority. The bill is designed to provide such authority for all cases of like need.

For instance section 11 of the act of May 29, 1884, gives the Secretary certain control and eradication authority with respect to a long list of named diseases. It has been amended from time to time to add additional diseases. The bill would make it applicable to all communicable diseases of livestock or poultry.

Sections 1 through 4 of the act of March 3, 1905, provide quarantine measures for cattle and livestock. The bill would extend these provisions to all animals.

Section 1 of the act of March 3, 1905, authorizes quarantine of any State in which there are diseased livestock. The bill extends section

1 to States in which the contagion, or vectors which may disseminate the disease exist, even though there are no diseased livestock.

Section 2 of the act of February 2, 1903, authorizes the Secretary to seize, quarantine, and dispose of hay, straw, forage, or similar material. Section 2(b) of the bill authorizes the Secretary to seize, quarantine, and dispose of any articles which he finds were so related to certain animals as to be likely to be a means of disseminating disease.

These are but a few examples of the gaps which would be filled by the bill. The bill would increase the Secretary's seizure authority; clarify his authority to restrict imports; increase authority for inspection and for sanitary regulations, and provide injunction authority. The purpose of the bill is to provide adequate safeguards for the protection from disease of our domestic livestock and poultry industry

DETAILS OF BILL

The bill would—

- (1) authorize seizure, quarantine, and disposal of animals—
 - (A) moved or handled in interstate or foreign commerce contrary to Federal quarantine laws and regulations,
 - (B) moved into the United States or interstate while affected with or exposed to a communicable disease dangerous to livestock or poultry, or
 - (C) affected with or exposed to an extremely dangerous disease creating an extraordinary emergency, but only if State or other authorities are not taking adequate measures (and in such case seizure, quarantine and disposal of carcasses of such animals and contaminated products and articles would also be authorized);
- (2) require payment of indemnity in an amount not exceeding the difference between the fair market value and the compensation received from a State or other source for any animal, product, or article so disposed of, except one moved or handled contrary to certain Federal or State quarantine laws and regulations;
- (3) authorize sanitary regulations for conveyances, stockyards, feed, and other facilities used in connection with moving animals into or from the United States, or interstate;
- (4) authorize regulations restricting or prohibiting importation of animals likely to disseminate disease if necessary to protect domestic livestock or poultry;
- (5) authorize inspection of—
 - (A) persons and conveyances moving into the United States;
 - (B) persons and conveyances moving interstate upon probable cause; and
 - (C) premises with a warrant;
- (6) provide penalties of fine and imprisonment for violation of the regulations under the preceding provisions and authorize enforcement of the preceding provisions and regulations thereunder through injunction;
- (7) extend to all communicable diseases of livestock or poultry the Secretary's authority under section 11 of the act of May 29, 1884, to eradicate named diseases by purchase, destruction, indemnities, and otherwise;
- (8) authorize the quarantine of any State, territory, or the District of Columbia, or any portion thereof, if the contagion of,

or vectors which may spread, any contagious, infectious, or communicable disease exist therein, and extend the first four sections of the act of March 3, 1905, and the related provision in the act of June 30, 1914, to all animals (instead of livestock and poultry); and

(9) make it clear that Federal officers performing any function authorized by the Secretary of Agriculture under any Federal or State quarantine program would be covered by laws prohibiting interference with Federal officers.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 8, 1961.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

MY DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report on S. 860, a bill to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

Senate bill 860 would clarify and strengthen a number of provisions of the animal quarantine laws, which have been enacted from time to time since 1884 to meet particular situations in connection with specific animals, diseases, or circumstances. This bill would fill gaps in our animal quarantine laws thus providing our Nation's farmers and ranchers more adequate protection against the introduction and dissemination of livestock and poultry diseases. The Department strongly supports the purposes of S. 860 and recommends its enactment.

The bill would authorize the Secretary of Agriculture to properly dispose of animals which have been brought into this country or moved interstate in violation of a Federal quarantine, or which have been found on such movement to be infected with or exposed to any communicable disease dangerous to livestock or poultry. It would permit the Secretary to act in case of an extreme emergency threatening the livestock or poultry of the United States, such as an unchecked outbreak of foot-and-mouth disease. In addition, the bill would authorize the payment of certain indemnities, the promulgation of necessary regulations in connection with the cleaning and disinfection of conveyances and other facilities, and necessary inspection operations. It would broaden the Secretary's authority to prohibit or regulate the importation of animals to prevent the introduction or spread of livestock or poultry diseases. This bill is designed to make existing programs more effective and to round out the Department's authority to cooperate with the States. Enactment of S. 860 would not require an increase in the Department's appropriation.

There is attached a more detailed analysis and explanation of S. 860 which may be of use to the committee.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

CHARLES S. MURPHY, *Acting Secretary.*

ANALYSIS OF S. 860

Section 1

There is no definition of "Secretary" or "animals" in the present animal quarantine laws. There is considerable variation in the descriptions of the animals to which the laws apply.

The present statutes relating to imports and exports refer to the United States and most of those relating to interstate commerce refer to the States, the Territories, and the District of Columbia. Section 3 of the act of May 29, 1884, as amended (21 U.S.C. 114) refers to States and Territories and section 11 of that act (21 U.S.C. 114a) refers to the States, the District of Columbia, Puerto Rico, and the Territories and possessions. The term "Territories" has been construed to mean the organized territories such as Puerto Rico, Guam, and the Virgin Islands of the United States. Section 401 of the Tariff Act of 1930, as amended (19 U.S.C. 1401) defines "United States" so as to except the Virgin Islands, Guam, and certain other areas for purposes of the animal quarantine provisions in section 306 of that act (19 U.S.C. 1306).

Section 2

Section 2(a) of the bill confers additional authority to seize, quarantine, and dispose of animals (including poultry) on the basis of their movement or handling contrary to the animal quarantine laws or regulations or on the basis of the movement of the animals into the United States or interstate while affected with or exposed to any communicable disease dangerous to livestock or poultry. Section 2(b) of the bill provides that in case the Secretary determines an extraordinary emergency exists because of the outbreak of an extremely dangerous, communicable disease of livestock or poultry, which threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of animals (including poultry) affected with or exposed to such disease, and their carcasses and related products and articles. Provision is made for payment of compensation except in certain circumstances. Such compensation would be based on fair market value. The authority of section 2 is not dependent on cooperation of any State or other jurisdiction or organization or individual.

Under section 11 of the act of May 29, 1884, as amended (21 U.S.C. 114a) the Secretary is authorized, either independently or in cooperation with States, the District of Columbia, Puerto Rico, and the Territories and possessions of the United States, certain organizations, and individuals, to control and eradicate specified diseases of animals (including poultry), incipient or potentially serious minor outbreaks of animal diseases, and contagious or infectious diseases of animals which are deemed to constitute an emergency and threaten the livestock industry, including the payment of claims growing out of the destruction of animals (including poultry), and of materials, affected by or exposed to any such disease. This section contemplates a program in which par-

ticipation by the owner of the animals and materials is voluntary so far as the Federal Government is concerned.

Section 8 of the act of August 30, 1890 (21 U.S.C. 103), authorizes the Secretary to slaughter any ruminants or swine imported into the United States which are adjudged to be infected with any contagious disease or to have been exposed to infection so as to be dangerous to other animals, and to pay the value of exposed animals so slaughtered to the owners thereof, except that no payment may be made for animals imported in violation of the act.

Paragraph (c) of section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) authorizes the Secretary to prescribe in regulations the terms and conditions for the destruction of ruminants and swine and meat thereof offered for entry from a country where foot-and-mouth disease or rinderpest exists and refused admission into the United States, unless such animals and meat are exported by the consignee within the time fixed therefor in the regulations. Section 306 also authorizes seizure and disposal of zoo animals allowed entry under its provisions and thereafter not handled as required under the section.

Under section 2 of the act of February 2, 1903, as amended (21 U.S.C. 111), the Secretary is authorized to seize, quarantine, and dispose of hay, straw, forage, or similar material, or any animal products, being imported or moving interstate, in order to guard against the introduction or spread of the contagion of disease.

Section 3

The Secretary has authority under sections 4 and 5 of the act of May 29, 1884, as amended, section 10 of the act of August 30, 1890, and the act of February 2, 1903, as amended (21 U.S.C. 105, 111, 112, 113, 120) to require the cleaning and disinfecting of means of conveyance and facilities to prevent the dissemination of communicable diseases of livestock and poultry into or from the United States or interstate. The authority contained in section 3 of the bill would provide additional protection of the general health of livestock and poultry.

Section 4

Section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) prohibits the importation of cattle, sheep, other ruminants and swine, and fresh, chilled, or frozen meat of such animals, from countries where foot-and-mouth disease or rinderpest is determined by the Secretary to exist. Under section 9 of the act of August 30, 1890 (21 U.S.C. 101) the President is authorized to suspend by proclamation the importation of all or any class of animals for a limited time when in his opinion such action is necessary for the protection of animals in the United States against contagious diseases, and to change, revoke, or renew such proclamation as the public good may require. The Secretary has some authority under the 1890 act and the act of February 2, 1903, as amended, to regulate imports of animals but clarification

and extension of his authority in this field is deemed necessary for adequate protection against dissemination of livestock and poultry diseases.

Section 5

Section 5 of the bill has no counterpart in existing animal quarantine legislation but is similar to provisions in section 107 of the Federal Plant Pest Act (7 U.S.C. 150ff).

Section 6

Section 6 of the bill provides criminal penalties similar to those provided in section 3 of the act of February 2, 1903, as amended and section 6 of the act of March 3, 1905, as amended (21 U.S.C. 122, 127). In addition section 6 provides for injunctive enforcement procedures.

Section 7

Section 7 of the bill would amend section 11 of the act of May 29, 1884, as amended (21 U.S.C. 114a) to authorize the Secretary to control and eradicate any communicable disease of livestock or poultry instead of only the diseases now specified in said section 11.

Section 8

The first section of the act of March 3, 1905, as amended (21 U.S.C. 123) authorizes the Secretary to quarantine any State or Territory or the District of Columbia, or any portion thereof, when he determines that livestock or poultry in such State, Territory, or District are affected with any communicable disease. Section 8(a) of the bill would amend this section of the 1905 act to authorize the Secretary to so quarantine when he determines that any animals or poultry in such State, Territory, or District are affected with a communicable disease of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State, Territory, or District.

Section 2 of the 1905 act prohibits the delivery and receipt for transportation interstate, and the interstate movement, from an area quarantined under the first section of the act, of livestock or poultry except as provided in section 4 of the act. Section 3 of the act authorizes the Secretary to promulgate regulations permitting and governing the interstate movement of livestock or poultry from such a quarantined area. Section 4 of the act permits the interstate movement of livestock or poultry from such a quarantined area under the regulations of the Secretary. Section 8(b) of the bill would amend these provisions of the 1905 act to make them applicable to any animals or poultry quarantined under the first section of the bill.

Section 9

This provision in the Department's appropriation act approved June 30, 1914, as amended, provides that the 1905 act shall apply to any common carrier whose road or line

forms any part of a route over which livestock or poultry are transported in the course of interstate shipment from a quarantined area. Section 9 of the bill would amend this provision of the appropriation act to make it consistent with the 1905 act as amended by the bill.

Section 10

Section 10 of the bill would specifically include the departmental employees performing the designated functions within the protection afforded certain Federal employees against assaults, other interferences, and homicide under sections 111 and 1114 of title 18, United States Code.

Section 11

Section 11 would authorize the issuance of regulations deemed necessary to carry out the provisions of the bill.

Section 12

Section 12 of the bill expresses the relation of the bill to other laws.

Section 13

Section 13 of the bill contains the usual savings provision in case of invalidation of the act in any respect.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 11 OF THE ACT OF MAY 29, 1884 (21 U.S.C. 114a)

§ 114a. Control and eradication of diseases; cooperation of States and farmers' associations; purchase and destruction of diseased animals; definition of State.

The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers' associations and similar organizations, and individuals, is authorized to control and eradicate *any communicable diseases of livestock or poultry, including, but not limited to*, tuberculosis and paratuberculosis of animals, avian tuberculosis, brucellosis of domestic animals, southern cattle ticks, hog cholera and related swine diseases, scabies in sheep and cattle, dourine in horses, scrapie and blue tongue in sheep, incipient or potentially serious minor outbreaks of diseases of animals, and contagious or infectious diseases of animals (such as foot-and-mouth disease, rinderpest, and contagious pleuropneumonia) which in the opinion of the Secretary constitute an emergency and threaten the livestock industry of the country, including the payment of claims growing out of destruction of animals (including poultry), and of materials, affected by or exposed to any such disease, in accordance with such regulations as the Secretary may prescribe. As used in this section, the term "State" includes the District of Columbia, Puerto Rico, and the Territories and possessions of the United States.

SECTIONS 1 THROUGH 4 OF THE ACT OF MARCH 3, 1905 (21 U.S.C. 123, 124, 125 AND 126)

§ 123. Quarantine.

The Secretary of Agriculture is authorized and directed to quarantine any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that **[cattle or other livestock]** *any animals and/or live poultry in such State or Territory or District of Columbia are affected with any contagious, infectious, or communicable disease of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia*; and the Secretary of Agriculture is directed to give written or printed notice of the establishment of quarantine to the proper officers of railroad, steamboat, or other transportation companies doing business in or through any quarantined State or Territory or the District of Columbia, and to publish in such newspapers in the quarantined State or Territory or the District of Columbia, as the Secretary of Agriculture may select, notice of the establishment of quarantine.

§ 124. Transportation or delivery therefor from quarantined State or Territory or portion thereof, of livestock and live poultry, forbidden.

No railroad company or the owners or masters of any steam or sailing or other vessel or boat shall receive for transportation or transport from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any **[cattle or other livestock]** *quarantined animals*, and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or to the master or owner of any boat or vessel, any **[cattle or other livestock]** *quarantined animals* and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance or cause to be transported in private conveyance, from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any **[cattle or other livestock]** *quarantined animals* and/or live poultry, except as hereinafter provided.

§ 125. Regulations for inspection, disinfection, and certification, and delivery and shipment of livestock and live poultry from quarantined State or Territory.

It shall be the duty of the Secretary of Agriculture, and he is authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of **[cattle or other livestock]** *quarantined animals* and/or live poultry from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia; and the Secre-

tary of Agriculture shall give notice of such rules and regulations in the manner provided in section 124 of this title for notice of establishment of quarantine.

§ 126. Moving livestock and live poultry from quarantined State or Territory, under regulations.

【Cattle or other livestock】 *Quarantined animals* and/or live poultry may be moved from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, under and in compliance with the rules and regulations of the Secretary of Agriculture, made and promulgated in pursuance of the provisions of section 125 of this title; but it shall be unlawful to move, or to allow to be moved, any 【cattle or other livestock】 *quarantined animals* and/or live poultry from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture.

THE FIRST PROVISIO UNDER THE HEADING "GENERAL EXPENSES, BUREAU OF ANIMAL INDUSTRY" IN THE ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND FIFTEEN" (21 U.S.C. 128)

§ 128. Extension of quarantine law to carriers in interstate commerce.

The provisions of sections 123-127 of this title shall apply to any railroad company or other common carrier whose road or line forms any part of a route over which 【cattle or other livestock】 *quarantined animals* and/or live poultry are transported in the course of shipment from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia.

TITLE 18, UNITED STATES CODE

§ 111. Assaulting, resisting, or impeding certain officers or employees.

Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties, shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

Whoever, in the commission of any such acts uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

§ 1114. Protection of officers and employees of the United States.

Whoever kills any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any post-office inspector,

any officer or employee of the secret service or the Bureau of Narcotics, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, *any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases*, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management, any employee of the Bureau of Animal Industry of the Department of Agriculture, or any officer or employee of the Indian field service of the United States. or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title.

C

Calendar No. 556

87TH CONGRESS
1ST SESSION

S. 860

[Report No. 582]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 1961

Mr. HUMPHREY introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

JULY 20, 1961

Reported by Mr. JORDAN, without amendment

A BILL

To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That as used in this Act unless the context indicates other-
4 wise—

5 (a) The term “Secretary” means the Secretary of
6 Agriculture.

7 (b) The term “animals” means all members of the
8 animal kingdom including birds, whether domesticated or
9 wild, but not including man.

10 (c) The term “United States” means the States, Puerto

1 Rico, Guam, the Virgin Islands of the United States, and
2 the District of Columbia.

3 (d) The term "interstate" means from a State or other
4 area included in the definition of "United States" to or
5 through any other State or other such area.

6 SEC. 2. (a) The Secretary, whenever he deems it
7 necessary in order to guard against the introduction or dis-
8 semination of a communicable disease of livestock or poultry,
9 may seize, quarantine, and dispose of, in a reasonable
10 manner taking into consideration the nature of the disease
11 and the necessity of such action to protect the livestock or
12 poultry of the United States: (1) any animals which he
13 finds are moving or are being handled or have moved or
14 have been handled in interstate or foreign commerce con-
15 trary to any law or regulation administered by him for
16 the prevention of the introduction or dissemination of any
17 communicable disease of livestock or poultry; (2) any
18 animals which he finds are moving into the United States,
19 or interstate, and are affected with or have been exposed
20 to any communicable disease dangerous to livestock or
21 poultry; and (3) any animals which he finds have moved
22 into the United States, or interstate, and at the time of such
23 movement were so affected or exposed.

24 (b) Whereas the existence of any extremely dangerous,
25 communicable disease of livestock or poultry, such as foot-

1 and-mouth disease, rinderpest, or European fowl pest, on
2 any premises in the United States would constitute a threat
3 to livestock and poultry of the Nation and would seriously
4 burden interstate and foreign commerce, whenever the
5 Secretary determines that an extraordinary emergency
6 exists because of the outbreak of such a disease anywhere
7 in the United States, and that such outbreak threatens
8 the livestock or poultry of the United States, he may seize,
9 quarantine, and dispose of, in such manner as he deems
10 necessary or appropriate, any animals in the United States
11 which he finds are or have been affected with or exposed
12 to any such disease and the carcasses of any such animals
13 and any products and articles which he finds were so re-
14 lated to such animals as to be likely to be a means of dis-
15 seminating any such disease: *Provided*, That action shall be
16 taken under this subsection only if the Secretary finds that
17 adequate measures are not being taken by the State or other
18 jurisdiction. The Secretary shall notify the appropriate
19 official of the State or other jurisdiction before any action is
20 taken in any such State or other jurisdiction pursuant to this
21 subsection.

22 (c) The Secretary in writing may order the owner of
23 any animal, carcass, product, or article referred to in sub-
24 section (a) or (b) of this section, or the agent of such
25 owner, to maintain in quarantine and to dispose of such

1 animal, carcass, product, or article in such manner as the
2 Secretary may direct pursuant to authority vested in him
3 by such subsections. If such owner or agent fails to do so
4 after receipt of such notice, the Secretary may take action
5 as authorized by said subsections (a) and (b) and recover
6 from such owner or agent the reasonable costs of any care,
7 handling, and disposal incurred by the Secretary in connec-
8 tion therewith. Such costs shall not constitute a lien against
9 the animals, carcasses, products, or articles involved. Costs
10 collected under this section shall be credited to the current
11 appropriation for carrying out animal disease control ac-
12 tivities of the Department.

13 (d) Except as provided in subsection (e) of this sec-
14 tion, the Secretary shall compensate the owner of any animal,
15 carcass, product, or article destroyed pursuant to the provi-
16 sions of this section. Such compensation shall be based upon
17 the fair market value as determined by the Secretary, of any
18 such animal, carcass, product, or article at the time of the
19 destruction thereof. Compensation paid any owner under
20 this subsection shall not exceed the difference between any
21 compensation received by such owner from a State or other
22 source and such fair market value of the animal, carcass,
23 product, or article. Funds in the Treasury available for

1 carrying out animal disease control activities of the Depart-
2 ment of Agriculture shall be used for carrying out this sub-
3 section.

4 (e) No such payment shall be made by the Secretary
5 for any animal, carcass, product, or article which knowingly
6 has been moved or handled by the owner thereof or his agent
7 in violation of a law or regulation administered by the Secre-
8 tary for the prevention of the interstate dissemination of
9 the communicable disease, for which the animal, carcass,
10 product, or article was destroyed or a law or regulation for
11 the enforcement of which the Secretary enters or has entered
12 into a cooperative agreement for the control and eradication
13 of such disease, or for any animal which has moved into the
14 United States contrary to such law or regulation administered
15 by the Secretary for the prevention of the introduction of a
16 communicable disease of livestock or poultry.

17 SEC. 3. The Secretary, in order to protect the health of
18 the livestock or poultry of the Nation, may promulgate regu-
19 lations requiring that railway cars; vessels; airplanes; trucks;
20 and other means of conveyance; stockyards; feed, water,
21 and rest stations; and other facilities, used in connection with
22 the movement of animals into or from the United States, or

1 interstate, be maintained in a clean and sanitary condition,
2 including requirements for inspection, cleaning, and disin-
3 fection.

4 SEC. 4. The Secretary is authorized to promulgate reg-
5 ulations prohibiting or regulating the movement into the
6 United States of any animals which are or have been affected
7 with or exposed to any communicable animal disease, or
8 which have been vaccinated or otherwise treated for any
9 such disease, or which he finds would otherwise be likely to
10 introduce or disseminate any such disease, when he deter-
11 mines that such action is necessary to protect the livestock
12 or poultry of the United States.

13 SEC. 5. Employees of the Department of Agriculture
14 designated by the Secretary for the purpose, when properly
15 identified, shall have authority (1) to stop and inspect, with-
16 out a warrant, any person or means of conveyance, moving
17 into the United States from a foreign country, to determine
18 whether such person or means of conveyance is carry-
19 ing any animal, carcass, product, or article regulated or sub-
20 ject to disposal under any law or regulation administered by
21 the Secretary for prevention of the introduction or dissemina-
22 tion of any communicable animal disease; (2) to stop and
23 inspect, without a warrant, any person or means of convey-
24 ance moving interstate upon probable cause to believe that
25 such person or means of conveyance is carrying any animal,

1 carcass, product, or article regulated or subject to disposal
2 under any law or regulation administered by the Secretary
3 for the prevention of the introduction or dissemination of any
4 communicable animal disease; and (3) to enter upon, with a
5 warrant, any premises for the purpose of making inspections
6 and seizures necessary under such laws and regulations. Any
7 Federal judge, or any judge of a court of record in the
8 United States, or any United States commissioner, may,
9 within his jurisdiction, upon proper oath or affirmation in-
10 dicating probable cause to believe that there is on certain
11 premises any animal, carcass, product, or article regulated
12 or subject to disposal under any law or regulation admin-
13 istered by the Secretary for the prevention of the introduc-
14 tion or dissemination of any communicable animal disease,
15 issue warrants for the entry upon such premises and for in-
16 spections and seizures necessary under such laws and regula-
17 tions. Such warrants may be executed by any authorized
18 employée of the Department of Agriculture.

19 SEC. 6. (a) Whoever knowingly violates any regula-
20 tion promulgated pursuant to the provisions of sections 1
21 through 5 of this Act shall be punished by a fine not exceed-
22 ing \$1,000 or by imprisonment not exceeding one year, or
23 both.

24 (b) The Secretary may bring an action to enjoin the
25 violation of, or to compel compliance with, any regulation

1 promulgated or order issued under said sections, or to enjoin
2 any interference by any person with an employee of the
3 Department of Agriculture in carrying out any duties under
4 said sections, whenever the Secretary has reason to believe
5 that such person has violated, or is about to violate, any
6 such regulation or order, or has interfered, or is about to in-
7 terfere, with any such employee. Such action shall be
8 brought in the United States district court, or the United
9 States court of any Territory or possession, for the judicial
10 district in which such person resides or transacts business or
11 in which the violation, omission, or interference has occurred
12 or is about to occur. Process in such cases may be served in
13 any judicial district wherein the defendant resides or trans-
14 acts business or wherever the defendant may be found, and
15 subpoenas for witnesses who are required to attend the court
16 in any judicial district in any such cases may run into any
17 other judicial district.

18 SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat.
19 734), as amended (21 U.S.C. 114a), is further amended by
20 inserting the words "any communicable diseases of livestock
21 or poultry, including, but not limited to," after the word
22 "eradicate".

23 SEC. 8. (a) The first section of the Act of March 3,
24 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is
25 further amended by striking out the phrase "cattle or other

1 livestock” and inserting in lieu thereof the words “any ani-
2 mals”, and by inserting after the word “disease” the words
3 “of livestock or poultry or that the contagion of any such
4 disease exists or that vectors which may disseminate any such
5 disease exist in such State or Territory or the District of
6 Columbia”.

7 (b) Sections 2, 3, and 4 of such Act (33 Stat. 1264,
8 1265), as amended (21 U.S.C. 124, 125, 126), are further
9 amended by striking out the phrase “cattle or other live-
10 stock” each time such phrase appears in those sections and
11 inserting in lieu thereof the words “quarantined animals”.

12 SEC. 9. The first proviso under the heading “General
13 Expenses, Bureau of Animal Industry” in the Act entitled
14 “An Act making appropriations for the Department of Agri-
15 culture for the fiscal year ending June thirtieth, nineteen
16 hundred and fifteen”, approved June 30, 1914 (38 Stat.
17 419), as amended (21 U.S.C. 128), is further amended by
18 striking out the phrase “cattle or other livestock” and in-
19 serting in lieu thereof the words “quarantined animals”.

20 SEC. 10. Section 1114 of title 18 of the United States
21 Code is amended by inserting after “wild birds and animals,”
22 the following: “any employee of the Department of Agri-
23 culture designated by the Secretary of Agriculture to carry
24 out any law or regulation, or to perform any function in
25 connection with any Federal or State program or any

1 program of Puerto Rico, Guam, the Virgin Islands of
2 the United States, or the District of Columbia, for the con-
3 trol or eradication or prevention of the introduction or
4 dissemination of animal diseases,”.

5 SEC. 11. The Secretary is authorized to issue such
6 regulations as he deems necessary to carry out the pro-
7 visions of this Act.

8 SEC. 12. The authority conferred by this Act shall be
9 in addition to authority conferred by other statutes. Any
10 provision of any other Act inconsistent with the provisions
11 of this Act is hereby repealed.

12 SEC. 13. If any provision of this Act or application
13 thereof to any person or circumstances is held invalid, the
14 remainder of the Act and the application of such provision
15 to other persons and circumstances shall not be affected
16 thereby.

87TH CONGRESS
1ST SESSION

S. 860

[Report No. 582]

A BILL

To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

By Mr. HUMPHREY

FEBRUARY 9, 1961

Read twice and referred to the Committee on
Agriculture and Forestry

JULY 20, 1961

Reported without amendment

July 25, 1961

5. FOREIGN AID. Sen. Kefauver inserted an article, "Road to Barquijan -- How Iranian Village Awakened With Only a Slight Nudge," and said, "Although the article tells of only one small community and of one small contribution by the United States, it speaks volumes about the value of our assistance to foreign nations when such aid is properly presented." pp. 12391-2
6. WATER RESOURCES. Sen. Case, S. Dak., announced his intention to request the referral of the bill, S. 2246, relating to the planning for water resources development from the Interior and Insular Affairs Committee to the Public Works Committee. p. 12402
7. PUBLIC LANDS. Passed as reported S. 702, to authorize the Secretary of Agriculture to convey a tract of forest land in Wyoming to the town of Afton. pp. 12404-5
Passed without amendment H. R. 2249, to authorize the Secretary of Agriculture to convey a tract of forest land in California to Trinity County. This bill will now be sent to the President. p. 12405
Passed without amendment H. R. 2250, to authorize and direct the Secretary of Agriculture to convey a tract of forest land in Lassen County, Calif., to the city of Susanville. This bill will now be sent to the President. pp. 12405-6
8. LIVESTOCK DISEASES. Passed without amendment S. 860, to grant the Secretary of Agriculture additional authority for protection against the introduction and dissemination of diseases of livestock and poultry. pp. 12406-7
9. MANPOWER RESOURCES. The Labor and Public Welfare Committee voted to report (but did not actually report) with amendments S. 1991, the proposed Manpower Development and Training Act of 1961. p. D609
10. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the Senate will meet at 10:00 a. m. today to conclude consideration of the omnibus farm bill, and that the foreign-aid bill will be taken up on Thurs. or Fri. p. 12389

HOUSE

11. FARM PROGRAM. The Rules Committee reported a resolution for the consideration of H. R. 8230, the omnibus farm bill (pp. 12427-8, 12467). Rep. Cooley presented a brief summary of this bill (pp. 12446-8). Attached to this Digest is a summary of the bill as reported by the Agriculture Committee. This summary is taken from the committee report.
12. APPROPRIATIONS. Conferees were appointed on H. R. 6345, the Department of Interior and related agencies appropriation bill for 1962 (includes the Forest Service). Senate conferees have been appointed. p. 12411
Rep. Halleck objected to the House requesting a conference with the Senate on H. R. 7576, to authorize appropriations for the Atomic Energy Commission. p. 12411
By a vote of 241 to 170, passed with amendment H. R. 8302, making appropriations for military construction for the Department of Defense for 1962. pp. 12412-27
13. TOBACCO. The Subcommittee on Tobacco of the Agriculture Committee voted to report to the full committee with amendments H. R. 1022, to provide for lease and transfer of tobacco acreage allotments. p. D611

14. PAYMENTS. The Judiciary Committee voted to report (but did not actually report) with amendments H. R. 4131, to authorize the waiver of collection of certain erroneous payments made by the Federal Government to certain civilian and military personnel. p. D611
15. PUBLIC LANDS. Received from this Department and the Navy Department a notice of the intention of the two Departments "to interchange jurisdiction of military and national forest lands." p. 12467
Received from Interior a proposed bill "to authorize the Secretary of the Interior to sell to landowners in urban areas the rights of the United States to certain minerals"; to the Interior and Insular Affairs Committee. p. 12467
16. LEGISLATIVE PROGRAM. Rep. McCormack announced that the farm bill will be considered today, Wed. p. 12432

ITEMS IN APPENDIX

17. FOOD STAMPS. Extension of remarks of Rep. Griffiths inserting a progress report on the operation of the food stamp program in Detroit, Mich. p. A5654
18. MARKETING; PERSONNEL. Extension of remarks of Rep. McIntire commending the appointment of Floyd Hedlund as Director of the Fruit and Vegetables Division, AMS, and inserting an article on this subject. p. A5659
19. FEDERAL AID. Extension of remarks of Rep. Westland stating that, "as each year passes there seems to be an acceleration of Federal aid, grants-in-aid, and Federal assistance programs," and inserting an article, "No Problems Now Requiring Expanded Federal Handouts." p. A5662
20. FARM SAFETY. Extension of remarks of Sen. Wiley inserting an article, "National Farm Safety Week A Reminder of Potential Dangers Lurking On Farms." pp. A5663-4
21. FORESTRY. Extension of remarks of Rep. Gathings inserting correspondence with this Department concerning the virulent disease which has threatened the white ash. pp. A5672-3
22. EDUCATION. Extension of remarks of Rep. Hosmer urging support for legislation to extend for two years Federal aid to federally impacted school areas. pp. A5683-4
23. FARM PROGRAM. Extension of remarks of Rep. Anfuso expressing his support for the farm bill, and discussing the importance of agriculture to the American economy and to the city resident. pp. A5687-9
Extension of remarks of Rep. Hoeven criticizing a publication issued by this Department, "Food for a Nation," stating that this Department was established to "'distribute useful information" and that the "publication holds in low regard the accomplishments of our farm men and women." pp. A5702-3
24. ELECTRIFICATION. Extension of remarks of Rep. Nelsen commending REA programs and inserting an editorial describing the progress which has been made by the Federated Rural Electric Ass'n with headquarters at Jackson, Minn. pp. A5697-8
25. FOREIGN TRADE. Extension of remarks of Rep. Lane inserting testimony presented discussing the effects of imports and exports on American employment, pp. A5706-8

not less than the value of the land granted in exchange as determined by the Secretary of Agriculture.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in the consideration of the bill, pertinent excerpts from the report of the Committee on Agriculture and Forestry, accompanying the bill.

There being no objection, the excerpts from the report (No. 579) were ordered to be printed in the RECORD, as follows:

S. 702 provides for the exchange of less than 0.2 of an acre formerly used as a corral by the Forest Service for land of equal value. The committee recommends the adoption of substitute language suggested by the Department of Agriculture to correct the legal description so that it does not include an easement not intended to be conveyed, and so that it reserves an easement needed by the Forest Service. The substitute amendment is agreeable to the other party to the exchange, the town of Afton, Wyo. The amendment would also omit specific reference to the town as the grantee of the land to be received by the United States in exchange to eliminate the possibility of legal objections that might be raised if the land to be received by the United States were outside of the town limits.

The report of the Department explaining the bill in detail is attached.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 17, 1961.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR SENATOR ELLENDER: This is in reply to your request of February 1, 1961, for a report on S. 702, a bill to authorize the Secretary of Agriculture to exchange certain lands in the State of Wyoming with the town of Afton, Wyo.

We recommend that S. 702 be amended as hereinafter set forth. If it is so amended, then this Department would favor its enactment.

The bill would direct the Secretary of Agriculture to convey certain land described in the bill to the town of Afton, Wyo., and in exchange therefor, to accept from the town on behalf of the United States, any tract agreed upon by the Secretary and the town. The bill provides that the appraised value of any tract so conveyed to the United States shall be not less than the appraised value of the land conveyed by the United States.

S. 702 is intended to provide for the conveyance of a tract of less than 0.2 acre in Afton, formerly used chiefly as a corral in connection with a national forest administrative site but no longer serving that purpose, in exchange for other land suitable for a Forest Service horse pasture in or near the town. The Federal tract needed by the town adjoins and is suitable for addition to the public park of Afton. It is a portion of a tract donated to the United States by its former owner in 1933.

The description of the land which the bill would direct to be conveyed to the town includes a strip of land, 1 rod width and 10 rods long, which was not a part of the donated tract. This is a strip of land over which an easement was recently granted to the United States by the town for an existing and necessary access road to some ranger station buildings and facilities on adjoining Government land. It is necessary that this easement be retained by the Government. Also, in order to assure adequate access to the Afton administrative site, the United States needs to reserve an easement of like width (1 rod) for the continuation of this access road across the north side of the land

which would be conveyed to the town. We are advised that this is acceptable to the town officials.

If the land agreed upon for conveyance by the town to the United States should be outside the established town limits, there would be questions as to the authority of the town officials to acquire or exchange such land. In the absence of such authority, the enactment of further legislation by the State of Wyoming would be necessary to authorize the town to acquire such land and exchange it for land of the United States. If, however, the Secretary were given authority by S. 702 to complete an exchange without specific reference to the town, arrangements might be made whereby an individual could trade land of at least equal value for the Government land the town desires and subsequently convey this land to the town. Such discretionary authority of course would not preclude the Secretary from exchanging lands directly with the town if the town officials could legally acquire and exchange it. We are advised that town officials are agreeable to such provisions.

Because of the several changes which would be necessary to take into account the circumstances that exist or may develop with respect to the lands to be exchanged, we have prepared an amendment which is in the nature of a substitute for S. 702. We would favor the enactment of the substitute bill, which is attached.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

The PRESIDING OFFICER. The question is on the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN PROPERTY IN THE STATE OF CALIFORNIA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 554.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 2249) to authorize the Secretary of Agriculture to convey certain property in the State of California to the county of Trinity.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in the consideration of the bill pertinent excerpts from the report of the Committee on Agriculture and Forestry.

There being no objection, the excerpts from the report (No. 580) were ordered to be printed in the RECORD, as follows:

H.R. 2249 authorizes the return, without consideration, to Trinity County, Calif., of a small part of a 12.36-acre tract donated by it to the United States in 1934 for a ranger

headquarters. The land to be returned, 0.496 acre, is not needed by the United States and is currently being used by the county and the Weaverville Fire District under permits from the Forest Service.

The report of the House Committee on Agriculture, containing the views of the Department of Agriculture on the bill, is attached.

[H. Rept. 443, 87th Cong., 1st sess.]

The Committee on Agriculture, to whom was referred the bill (H.R. 2249) to authorize the Secretary of Agriculture to convey certain property in the State of California to the county of Trinity, having considered the same, report favorably thereon without amendment and recommended that the bill do pass.

PURPOSE

The purpose of this bill is to authorize the Secretary of Agriculture to return by quitclaim deed to Trinity County, Calif., approximately one-half acre of a 12-acre tract which was donated to the United States by the county in 1934 as a site for the headquarters of the Weaverville and Trinity Lakes Ranger District, Trinity National Forest.

The parcels of land covered by this bill lie in the extreme eastern edge of the administrative site and have never been used by the Government. In fact, the parcels in question have been used by the county for the past several years under a special use permit for streets and other public purposes. The Department of Agriculture in its report states that the Forest Service sees no further need for this land and believes that the highest foreseeable use for the parcels is the public purpose to which they have been put.

HEARINGS

Hearings were held on an identical bill (H.R. 9732) in the 86th Congress. The bill passed the House but was not acted upon in the Senate.

COST

There would be no direct cost to the Government as the result of the enactment of this bill, since the land in question, was acquired by donation and is not being used by any Government agency.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2249) was ordered to a third reading, was read the third time, and passed.

CONVEYANCE OF CERTAIN LANDS IN LASSEN COUNTY, CALIF.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 555.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 2250) to authorize and direct the Secretary of Agriculture to convey certain lands in Lassen County, Calif., to the city of Susanville, Calif.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in the consideration of the bill pertinent excerpts from the report (No. 581) of the Committee on Agriculture and Forestry accompanying the bill.

There being no objection, the excerpts from the report (No. 581) were ordered to be printed in the RECORD, as follows:

H.R. 2250 authorizes conveyance of 1.2 acres to the city of Susanville, Calif. The land was donated to the United States in 1939 for a Forest Service headquarters site on behalf of the city, the county, the Susanville Chamber of Commerce, and individual citizens. It has been used only for a temporary dwelling, which was removed about 4 years ago. No present or foreseeable future need exists for Forest Service installations thereon.

NEED FOR THE LEGISLATION

The city of Susanville needs the affected site, which is located in the center of the city, for municipal purposes. The Forest Service has not used, and will not use, the land for the purpose for which it was donated or for any other presently contemplated purpose. A similar bill (H.R. 11917) was passed by the House in the 86th Congress but was not acted on in the Senate.

COST

Since the land involved herein was originally donated to the United States, its conveyance to the city would not represent any net cost to the United States.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2250) was ordered to a third reading, was read the third time, and passed.

ANIMAL QUARANTINE LAWS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 556.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 860) to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in the consideration of the bill pertinent excerpts from the report of the Committee on Agriculture and Forestry accompanying the bill.

There being no objection, the excerpts from the report (No. 582) were ordered to be printed in the RECORD, as follows:

This bill, except for minor changes of a technical nature, is identical to S. 864 of last Congress, as passed by the Senate on July 16, 1959. It is designed to close a number of gaps which have shown up in the animal quarantine laws and to clarify authority for certain actions under such laws. Those laws have been enacted from time to time to meet particular situations. They are applicable to specific animals, diseases, or circumstances, and fail to cover, or provide different authority with respect to, other animals, diseases, and circumstances where there is a need for uniform, broad authority. The bill is designed to provide such authority for all cases of like need.

For instance section 11 of the act of May 29, 1884, gives the Secretary certain control and eradication authority with respect to a

long list of named diseases. It has been amended from time to time to add additional diseases. The bill would make it applicable to all communicable diseases of livestock or poultry.

Sections 1 through 4 of the act of March 3, 1905, provide quarantine measures for cattle and livestock. The bill would extend these provisions to all animals.

Section 1 of the act of March 3, 1905, authorizes quarantine of any State in which there are diseased livestock. The bill extends section 1 to States in which the contagion, or vectors which may disseminate the disease exist, even though there are no diseased livestock.

Section 2 of the act of February 2, 1903, authorizes the Secretary to seize, quarantine, and dispose of hay, straw, forage, or similar material. Section 2(b) of the bill authorizes the Secretary to seize, quarantine, and dispose of any articles which he finds were so related to certain animals as to be likely to be a means of disseminating disease.

These are but a few examples of the gaps which would be filled by the bill. The bill would increase the Secretary's seizure authority; clarify his authority to restrict imports; increase authority for inspection and for sanitary regulations, and provide injunction authority. The purpose of the bill is to provide adequate safeguards for the protection from disease of our domestic livestock and poultry industry.

DETAILS OF BILL

The bill would—

(1) authorize seizure, quarantine, and disposal of animals—(a) moved or handled in interstate or foreign commerce contrary to Federal quarantine laws and regulations, (b) moved into the United States or interstate while affected with or exposed to a communicable disease dangerous to livestock or poultry, or (c) affected with or exposed to an extremely dangerous disease creating an extraordinary emergency, but only if State or other authorities are not taking adequate measures (and in such case seizure, quarantine and disposal of carcasses of such animals and contaminated products and articles would also be authorized);

(2) require payment of indemnity in an amount not exceeding the difference between the fair market value and the compensation received from a State or other source for any animal, product, or article so disposed of, except one moved or handled contrary to certain Federal or State quarantine laws and regulations;

(3) authorize sanitary regulations for conveyances, stockyards, feed, and other facilities used in connection with moving animals into or from the United States, or interstate;

(4) authorize regulations restricting or prohibiting importation of animals likely to disseminate disease if necessary to protect domestic livestock or poultry;

(5) authorize inspection of (a) persons and conveyances moving into the United States; (b) persons and conveyances moving interstate upon probable cause; and (c) premises with a warrant;

(6) provide penalties of fine and imprisonment for violation of the regulations under the preceding provisions and authorize enforcement of the preceding provisions and regulations thereunder through injunction;

(7) extend to all communicable diseases of livestock or poultry the Secretary's authority under section 11 of the act of May 29, 1884, to eradicate named diseases by purchase, destruction, indemnities, and otherwise;

(8) authorize the quarantine of any State, territory, or the District of Columbia, or any portion thereof, if the contagion of, or vectors which may spread, any contagious, infectious, or communicable disease exist therein, and extend the first four sections of the act of March 3, 1905, and the related

provision in the act of June 30, 1914, to all animals (instead of livestock and poultry); and

(9) make it clear that Federal officers performing any function authorized by the Secretary of Agriculture under any Federal or State quarantine program would be covered by laws prohibiting interference with Federal officers.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act unless the context indicates otherwise—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "animals" means all members of the animal kingdom including birds, whether domesticated or wild, but not including man.

(c) The term "United States" means the States, Puerto Rico, Guam, the Virgin Islands of the United States, and the District of Columbia.

(d) The term "interstate" means from a State or other area included in the definition of the "United States" to or through any other State or other such area.

SEC. 2. (a) The Secretary, whenever he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States: (1) any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry; (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movement were so affected or exposed.

(b) Whereas the existence of any extremely dangerous, communicable disease of livestock or poultry, such as foot-and-mouth disease, rinderpest, or European fowl pest, on any premises in the United States would constitute a threat to livestock and poultry of the Nation and would seriously burden interstate and foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the outbreak of such a disease anywhere in the United States, and that such outbreak threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease: *Provided*, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction. The Secretary shall notify the appropriate official of the State or other jurisdiction before any action is taken in any such

State or other jurisdiction pursuant to this subsection.

(c) The Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine and to dispose of such animal, carcass, product, or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections. If such owner or agent fails to do so after receipt of such notice, the Secretary may take action as authorized by said subsections (a) and (b) and recover from such owner or agent the reasonable costs of any care, handling, and disposal incurred by the Secretary in connection therewith. Such costs shall not constitute a lien against the animals, carcasses, products, or articles involved. Costs collected under this section shall be credited to the current appropriation for carrying out animal disease control activities of the Department.

(d) Except as provided in subsection (e) of this section, the Secretary shall compensate the owner of any animal, carcass, product, or article destroyed pursuant to the provisions of this section. Such compensation shall be based upon the fair market value as determined by the Secretary, of any such animal, carcass, product, or article at the time of the destruction thereof. Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the animal, carcass, product, or article. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.

(e) No such payment shall be made by the Secretary for any animal, carcass, product, or article which knowingly has been moved or handled by the owner thereof or his agent in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease, for which the animal, carcass, product, or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

SEC. 3. The Secretary, in order to protect the health of the livestock or poultry of the Nation, may promulgate regulations requiring that railway cars; vessels; airplanes; trucks; and other means of conveyance; stockyards; feed, water, and rest stations; and other facilities, used in connection with the movement of animals into or from the United States, or interstate, be maintained in a clean and sanitary condition, including requirements for inspection, cleaning, and disinfection.

SEC. 4. The Secretary is authorized to promulgate regulations prohibiting or regulating the movement into the United States of any animals which are or have been affected with or exposed to any communicable animal disease, or which have been vaccinated or otherwise treated for any such disease, or which he finds would otherwise be likely to introduce or disseminate any such disease, when he determines that such action is necessary to protect the livestock or poultry of the United States.

SEC. 5. Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine

whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease; (2) to stop and inspect, without a warrant, any person or means of conveyance moving interstate upon probable cause to believe that such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any Federal judge, or any judge of a court of record in the United States, or any United States commissioner, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Such warrants may be executed by any authorized employee of the Department of Agriculture.

SEC. 6. (a) Whoever knowingly violates any regulation promulgated pursuant to the provisions of sections 1 through 5 of this Act shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both.

(b) The Secretary may bring an action to enjoin the violation of, or to compel compliance with, any regulation promulgated or order issued under said sections, or to enjoin any interference by any person with an employee of the Department of Agriculture in carrying out any duties under said sections, whenever the Secretary has reason to believe that such person has violated, or is about to violate, any such regulation or order, or has interfered, or is about to interfere, with any such employee. Such action shall be brought in the United States district court, or the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the violation, omission, or interference has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found, and subpoenas for witnesses who are required to attend the court in any judicial district in any such cases may run into any other judicial district.

SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat. 734), as amended (21 U.S.C. 114a), is further amended by inserting the words "any communicable diseases of livestock or poultry, including, but not limited to," after the word "eradicate".

SEC. 8. (a) The first section of the Act of March 3, 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "any animals", and by inserting after the word "disease" the words "of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia".

(b) Sections 2, 3, and 4 of such Act (33 Stat. 1264, 1265), as amended (21 U.S.C. 124, 125, 126), are further amended by striking out the phrase "cattle or other livestock" each time such phrase appears in those sec-

tions and inserting in lieu thereof the words "quarantined animals".

SEC. 9. The first proviso under the heading "General Expenses, Bureau of Animal Industry" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fifteen", approved June 30, 1914 (38 Stat. 419), as amended (21 U.S.C. 128), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "quarantined animals".

SEC. 10. Section 1114 of title 18 of the United States Code is amended by inserting after "wild birds and animals," the following: "any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases."

SEC. 11. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 12. The authority conferred by this Act shall be in addition to authority conferred by other statutes. Any provision of any other Act inconsistent with the provisions of this Act is hereby repealed.

SEC. 13. If any provision of this Act or application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

AMENDMENT OF PUERTO RICAN FEDERAL RELATIONS ACT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 565.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The CHIEF CLERK. A joint resolution (H.J. Res. 124) to provide for amending section 3 of the Puerto Rican Federal Relations Act (64 Stat. 319) as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Mr. President, the Senate has under consideration House Joint Resolution 124, which is of significance on this day. The chairman of the Senate Committee on Interior and Insular Affairs, the distinguished Senator from New Mexico [Mr. ANDERSON], will explain the joint resolution.

Mr. ANDERSON. Mr. President, tomorrow a great day in Puerto Rico will be celebrated. The present head of the government of Puerto Rico, Honorable Muñoz-Marín, member of the house of representatives, who is well known to many of us, has sought to bring about what he calls Operation Bootstrap. He is trying to lift Puerto Rico from many things with which it has been encumbered in the past, and he has tried to give the people of the country a brand-new outlook.

One of the things he would like to do is to arrange for Puerto Ricans to bond

themselves for needed improvements in the economy of that country. In the Subcommittee on Territories, headed by the junior Senator from Washington [Mr. JACKSON], we took into consideration the request of Governor Muñoz-Marin with reference to the problem of increasing the bonding capacity of the territory. At the present time we limit Puerto Rico's capacity to 10 percent of the assessed valuation.

I know of no State upon which we impose that sort of an obligation, but I certainly know that there is no State which is limited by the Federal Government as to how much it may bond itself. It does those things on its own. Every one of our States has the right to decide for itself how much it will bond itself for improvements, for the construction of schools and highways, and various other projects.

The people of Puerto Rico would like the privilege of doing the same thing. They would like to be able to decide that they can bond themselves for whatever amount is necessary.

We were a little worried with respect to complete authority to do so, and we found out that they intend to bring this matter in proper fashion before the legislature. The measure will have to pass by a two-thirds vote. Any limitation that they want to put on it or any lifting of the limitation will then be referred to the people, and the people will decide whether they will or will not bond themselves.

We discussed the subject in the committee at great length. We heard all sorts of viewpoints upon it. We decided that the measure ought to be passed. It is a House joint resolution. The House held carefully prepared hearings, and decided that this action was satisfactory. The Senate Committee on Interior and Insular Affairs has considered the joint resolution carefully. We think it is all right. It would be of great benefit to the people of Puerto Rico if it could be passed by the Senate today in order that the people of Puerto Rico might know, when they celebrate this fine independence day of theirs, that we have taken the same action which the House has taken. Therefore the House Joint resolution should be agreed to.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, was read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of Senators I wish to state that at the conclusion of the consideration of the farm bill, which is now pending, and certain nominations on the Executive Calendar, it is the intention to proceed to the consideration thereafter of a number of bills which have been reported by the distinguished chairman of the Committee on Interior and Insular Affairs, Senator ANDERSON.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

RESOLUTION

TO PRINT AS A SENATE DOCUMENT A STUDY ENTITLED "PROPOSED FEDERAL AID FOR EDUCATION"

Mr. CLARK. Mr. President, on behalf of the senior Senator from Oregon, [Mr. MORSE] the distinguished chairman of the Education Subcommittee of the Senate Committee on Labor and Public Welfare, I send to the desk, for appropriate reference, a resolution to have printed as a Senate document a committee print entitled "Proposed Federal Aid for Education."

Mr. President, the material was prepared by the Legislative Reference Service of the Library of Congress at the request of Senator MORSE to serve a dual purpose. It will serve as a handbook for legislators concerned with various proposals for Federal aid to education and it will be most helpful as a source of material for the high school students who will be participating in the 1961-62 debates, the topic of which has been announced as "What Should Be the Role of the Federal Government in Education?"

The demand for this publication, because of the interest in, and controversy surrounding, the education bills of this session, will probably be very great. The resolution asks that 9,000 copies be printed. This number, together with copies currently being obtained will provide slightly in excess of 15,000 copies. Three years ago a similar compilation brought more than 25,000 requests for the document.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 183) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there shall be printed as a Senate document the document, together with illustrations, entitled "Proposed Federal Aid For Education", prepared by the Legislative Reference Service of the Library of Congress. There shall be printed 9,000 additional copies of such Senate document which shall be for the use of the Committee on Labor and Public Welfare of the Senate.

AGRICULTURAL ACT OF 1961—AMENDMENTS

Mr. CAPEHART submitted an amendment, intended to be proposed by him, to the bill (S. 1643) to improve and protect farm prices and farm income, to increase farmer participation in the development of farm programs, to adjust supplies of agricultural commodities in line with the requirements therefor, to improve distribution and expand exports of agricultural commodities, to liberalize and extend farm credit services, to protect the interest of consumers, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. KEFAUVER submitted an amendment, intended to be proposed by him, to Senate bill 1643, supra, which was ordered to lie on the table and to be printed.

Mr. CASE of South Dakota submitted an amendment intended to be proposed by him, to Senate bill 1643, supra, which was ordered to lie on the table and to be printed.

Mr. YOUNG of Ohio submitted an amendment, intended to be proposed by him, to Senate bill 1643, supra, which was ordered to lie on the table and to be printed.

ACT FOR INTERNATIONAL DEVELOPMENT OF 1961—AMENDMENT

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (S. 1983) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward economic and social development and internal and external security, and for other purposes, which was ordered to lie on the table and to be printed.

ADDITIONAL APPENDIX MATTER

By Mr. DOUGLAS:

Article entitled "Pentagon Weighs One Supply Arm," written by Hanson W. Baldwin and published in the New York Times of July 16, 1961.

ADJOURNMENT

Mr. ANDERSON. Mr. President, if there be no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 39 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Wednesday, July 26, 1961, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 1961.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general, subject to qualification therefor as provided by law:

John P. Condon	Leonard F. Chapman,
Robert E. Cushman	Jr.
Richard G. Weede	Henry W. Buse, Jr.
	Herman Nickerson, Jr.

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general, subject to qualification therefor as provided by law:

Carl A. Youngdale	Keith B. McCutcheon
Ormond E. Simpson	Ronald R. Van
John G. Bouker	Stockum
Norman J. Anderson	

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, section 3384:

To be major general

Brig. Gen. John William Libcke, O233642.

87TH CONGRESS
1ST SESSION

S. 860

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1961

Referred to the Committee on Agriculture

AN ACT

To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That as used in this Act unless the context indicates other-
4 wise—

5 (a) The term “Secretary” means the Secretary of
6 Agriculture.

7 (b) The term “animals” means all members of the
8 animal kingdom including birds, whether domesticated or
9 wild, but not including man.

10 (c) The term “United States” means the States, Puerto

1 Rico, Guam, the Virgin Islands of the United States, and
2 the District of Columbia.

3 (d) The term "interstate" means from a State or other
4 area included in the definition of "United States" to or
5 through any other State or other such area.

6 SEC. 2. (a) The Secretary, whenever he deems it
7 necessary in order to guard against the introduction or dis-
8 semination of a communicable disease of livestock or poultry,
9 may seize, quarantine, and dispose of, in a reasonable
10 manner taking into consideration the nature of the disease
11 and the necessity of such action to protect the livestock or
12 poultry of the United States: (1) any animals which he
13 finds are moving or are being handled or have moved or
14 have been handled in interstate or foreign commerce con-
15 trary to any law or regulation administered by him for
16 the prevention of the introduction or dissemination of any
17 communicable disease of livestock or poultry; (2) any
18 animals which he finds are moving into the United States,
19 or interstate, and are affected with or have been exposed
20 to any communicable disease dangerous to livestock or
21 poultry; and (3) any animals which he finds have moved
22 into the United States, or interstate, and at the time of such
23 movement were so affected or exposed.

24 (b) Whereas the existence of any extremely dangerous,
25 communicable disease of livestock or poultry, such as foot-

1 and-mouth disease, rinderpest, or European fowl pest, on
2 any premises in the United States would constitute a threat
3 to livestock and poultry of the Nation and would seriously
4 burden interstate and foreign commerce, whenever the
5 Secretary determines that an extraordinary emergency
6 exists because of the outbreak of such a disease anywhere
7 in the United States, and that such outbreak threatens
8 the livestock or poultry of the United States, he may seize,
9 quarantine, and dispose of, in such manner as he deems
10 necessary or appropriate, any animals in the United States
11 which he finds are or have been affected with or exposed
12 to any such disease and the carcasses of any such animals
13 and any products and articles which he finds were so re-
14 lated to such animals as to be likely to be a means of dis-
15 seminating any such disease: *Provided*, That action shall be
16 taken under this subsection only if the Secretary finds that
17 adequate measures are not being taken by the State or other
18 jurisdiction. The Secretary shall notify the appropriate
19 official of the State or other jurisdiction before any action is
20 taken in any such State or other jurisdiction pursuant to this
21 subsection.

22 (c) The Secretary in writing may order the owner of
23 any animal, carcass, product, or article referred to in sub-
24 section (a) or (b) of this section, or the agent of such
25 owner, to maintain in quarantine and to dispose of such

1 animal, carcass, product, or article in such manner as the
2 Secretary may direct pursuant to authority vested in him
3 by such subsections. If such owner or agent fails to do so
4 after receipt of such notice, the Secretary may take action
5 as authorized by said subsections (a) and (b) and recover
6 from such owner or agent the reasonable costs of any care,
7 handling, and disposal incurred by the Secretary in connec-
8 tion therewith. Such costs shall not constitute a lien against
9 the animals, carcasses, products, or articles involved. Costs
10 collected under this section shall be credited to the current
11 appropriation for carrying out animal disease control ac-
12 tivities of the Department.

13 (d) Except as provided in subsection (e) of this sec-
14 tion, the Secretary shall compensate the owner of any animal,
15 carcass, product, or article destroyed pursuant to the provi-
16 sions of this section. Such compensation shall be based upon
17 the fair market value as determined by the Secretary, of any
18 such animal, carcass, product, or article at the time of the
19 destruction thereof. Compensation paid any owner under
20 this subsection shall not exceed the difference between any
21 compensation received by such owner from a State or other
22 source and such fair market value of the animal, carcass,
23 product, or article. Funds in the Treasury available for

1 carrying out animal disease control activities of the Depart-
2 ment of Agriculture shall be used for carrying out this sub-
3 section.

4 (e) No such payment shall be made by the Secretary
5 for any animal, carcass, product, or article which knowingly
6 has been moved or handled by the owner thereof or his agent
7 in violation of a law or regulation administered by the Secre-
8 tary for the prevention of the interstate dissemination of
9 the communicable disease, for which the animal, carcass,
10 product, or article was destroyed or a law or regulation for
11 the enforcement of which the Secretary enters or has entered
12 into a cooperative agreement for the control and eradication
13 of such disease, or for any animal which has moved into the
14 United States contrary to such law or regulation administered
15 by the Secretary for the prevention of the introduction of a
16 communicable disease of livestock or poultry.

17 SEC. 3. The Secretary, in order to protect the health of
18 the livestock or poultry of the Nation, may promulgate regu-
19 lations requiring that railway cars; vessels; airplanes; trucks;
20 and other means of conveyance; stockyards; feed, water,
21 and rest stations; and other facilities, used in connection with
22 the movement of animals into or from the United States, or

1 interstate, be maintained in a clean and sanitary condition,
2 including requirements for inspection, cleaning, and disin-
3 fection.

4 SEC. 4. The Secretary is authorized to promulgate reg-
5 ulations prohibiting or regulating the movement into the
6 United States of any animals which are or have been affected
7 with or exposed to any communicable animal disease, or
8 which have been vaccinated or otherwise treated for any
9 such disease, or which he finds would otherwise be likely to
10 introduce or disseminate any such disease, when he deter-
11 mines that such action is necessary to protect the livestock
12 or poultry of the United States.

13 SEC. 5. Employees of the Department of Agriculture
14 designated by the Secretary for the purpose, when properly
15 identified, shall have authority (1) to stop and inspect, with-
16 out a warrant, any person or means of conveyance, moving
17 into the United States from a foreign country, to determine
18 whether such person or means of conveyance is carry-
19 ing any animal, carcass, product, or article regulated or sub-
20 ject to disposal under any law or regulation administered by
21 the Secretary for prevention of the introduction or dissemina-
22 tion of any communicable animal disease; (2) to stop and
23 inspect, without a warrant, any person or means of convey-
24 ance moving interstate upon probable cause to believe that
25 such person or means of conveyance is carrying any animal,

1 carcass, product, or article regulated or subject to disposal
2 under any law or regulation administered by the Secretary
3 for the prevention of the introduction or dissemination of any
4 communicable animal disease; and (3) to enter upon, with a
5 warrant, any premises for the purpose of making inspections
6 and seizures necessary under such laws and regulations. Any
7 Federal judge, or any judge of a court of record in the
8 United States, or any United States commissioner, may,
9 within his jurisdiction, upon proper oath or affirmation in-
10 dicating probable cause to believe that there is on certain
11 premises any animal, carcass, product, or article regulated
12 or subject to disposal under any law or regulation admin-
13 istered by the Secretary for the prevention of the introduc-
14 tion or dissemination of any communicable animal disease,
15 issue warrants for the entry upon such premises and for in-
16 spections and seizures necessary under such laws and regula-
17 tions. Such warrants may be executed by any authorized
18 employee of the Department of Agriculture.

19 SEC. 6. (a) Whoever knowingly violates any regula-
20 tion promulgated pursuant to the provisions of sections 1
21 through 5 of this Act shall be punished by a fine not exceed-
22 ing \$1,000 or by imprisonment not exceeding one year, or
23 both.

24 (b) The Secretary may bring an action to enjoin the
25 violation of, or to compel compliance with, any regulation

1 promulgated or order issued under said sections, or to enjoin
2 any interference by any person with an employee of the
3 Department of Agriculture in carrying out any duties under
4 said sections, whenever the Secretary has reason to believe
5 that such person has violated, or is about to violate, any
6 such regulation or order, or has interfered, or is about to in-
7 terfere, with any such employee. Such action shall be
8 brought in the United States district court, or the United
9 States court of any Territory or possession, for the judicial
10 district in which such person resides or transacts business or
11 in which the violation, omission, or interference has occurred
12 or is about to occur. Process in such cases may be served in
13 any judicial district wherein the defendant resides or trans-
14 acts business or wherever the defendant may be found, and
15 subpoenas for witnesses who are required to attend the court
16 in any judicial district in any such cases may run into any
17 other judicial district.

18 SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat.
19 734), as amended (21 U.S.C. 114a), is further amended by
20 inserting the words "any communicable diseases of livestock
21 or poultry, including, but not limited to," after the word
22 "eradicate".

23 SEC. 8. (a) The first section of the Act of March 3,
24 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is
25 further amended by striking out the phrase "cattle or other

1 livestock” and inserting in lieu thereof the words “any ani-
2 mals”, and by inserting after the word “disease” the words
3 “of livestock or poultry or that the contagion of any such
4 disease exists or that vectors which may disseminate any such
5 disease exist in such State or Territory or the District of
6 Columbia”.

7 (b) Sections 2, 3, and 4 of such Act (33 Stat. 1264,
8 1265), as amended (21 U.S.C. 124, 125, 126), are further
9 amended by striking out the phrase “cattle or other live-
10 stock” each time such phrase appears in those sections and
11 inserting in lieu thereof the words “quarantined animals”.

12 SEC. 9. The first proviso under the heading “General
13 Expenses, Bureau of Animal Industry” in the Act entitled
14 “An Act making appropriations for the Department of Agri-
15 culture for the fiscal year ending June thirtieth, nineteen
16 hundred and fifteen”, approved June 30, 1914 (38 Stat.
17 419), as amended (21 U.S.C. 128), is further amended by
18 striking out the phrase “cattle or other livestock” and in-
19 serting in lieu thereof the words “quarantined animals”.

20 SEC. 10. Section 1114 of title 18 of the United States
21 Code is amended by inserting after “wild birds and animals,”
22 the following: “any employee of the Department of Agri-
23 culture designated by the Secretary of Agriculture to carry
24 out any law or regulation, or to perform any function in
25 connection with any Federal or State program or any

1 program of Puerto Rico, Guam, the Virgin Islands of
2 the United States, or the District of Columbia, for the con-
3 trol or eradication or prevention of the introduction or
4 dissemination of animal diseases,".

5 SEC. 11. The Secretary is authorized to issue such
6 regulations as he deems necessary to carry out the pro-
7 visions of this Act.

8 SEC. 12. The authority conferred by this Act shall be
9 in addition to authority conferred by other statutes. Any
10 provision of any other Act inconsistent with the provisions
11 of this Act is hereby repealed.

12 SEC. 13. If any provision of this Act or application
13 thereof to any person or circumstances is held invalid, the
14 remainder of the Act and the application of such provision
15 to other persons and circumstances shall not be affected
16 thereby.

Passed the Senate July 25, 1961.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

JULY 26, 1961

Referred to the Committee on Agriculture

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued March 20, 1962
For actions of March 19, 1962
87th-2d, No. 40

CONTENTS

Administrative procedure.....25	Electrification...21,31,37	Perishable commodities...18
Appropriations....22,35,42	Farm program.....3,27	Personnel.....15,45,46
Bridges.....17	Feed grains.....13	Property.....41,46
Cherry marketing.....39	Foreign trade.....5,36	REA.....21,31,37
Claims.....15	Forestry.....9	Reclamation.....4
Conservation.....19,23	Health.....33	Recreation.....29
Consumers.....2	Lands.....16	Research.....28,38
Cooperatives.....20	Livestock.....7	School lunch.....14
Dairy industry.....32,43	Loans.....8	Small business.....22
Disaster relief.....22	Marketing research.....38	Soil bank.....23
Education.....35	Meat inspection.....34	Soil research.....28
	Milk.....32,43	Sugar.....1,24
		Taxation.....10
		Textiles.....25
		Tobacco.....6
		Trade.....26
		Water compact.....40
		Water research.....28
		Water pollution.....30
		Water resources.....44
		Weights and measures....12
		Wildlife.....11

HIGHLIGHTS: House subcommittee voted to report bill for permanent Federal administration of ACP program. Sen. Carlson criticized proposed reduction in domestic sugarbeet production. House committee reported (on Mar. 16) tax revision bill.

SENATE

1. SUGAR. Sen. Carlson criticized "cutting domestic sugarbeet production by at least 10 to 12 percent, as proposed in the administration's program," and urged early enactment of "a realistic long-range Sugar Act." pp. 4116-7
2. CONSUMERS. Sen. Miller inserted two editorials critical of the President's recent message on consumers. pp. 4127-8
3. FARM PROGRAM. Sen. McCarthy inserted a series of resolutions and observations of the Land O'Lakes Creameries, Inc., relating to various aspects of agriculture and the farm program. pp. 4121-2
4. RECLAMATION. Sen. Bennett urged a speedup in the planning and construction of the central Utah and Dixie reclamation projects in Utah. pp. 4117-20
5. FOREIGN TRADE. Sen. Humphrey commended and urged early consideration of the President's foreign trade proposals and inserted an article stating that Minn.

farmers supplied the U. S. export market with products worth \$163,700,000 in 1960 and 1961. pp. 4129-31

6. TOBACCO. Sen. Neuberger spoke in favor of her resolution providing for the President to create "a Commission on Tobacco and Health, and also to initiate a massive public information program on the hazards of cigarette smoking with particular emphasis on the relationship between smoking and lung cancer." pp. 4141-2

HOUSE

7. LIVESTOCK. The Subcommittee on Livestock and Feed Grains of the Agriculture Committee voted to report to the full committee with amendments S. 860, to provide greater protection against the introduction and dissemination of diseases of livestock and poultry. p. D187
8. LOANS. The Merchant Marine and Fisheries Committee reported with amendments H. R. 7336, to authorize the Secretary of the Interior to make loans to certain producers of oysters (H. Rept. 1449). p. 4107
The "Daily Digest" states that the Subcommittee on Conservation and Credit of the Agriculture Committee "ordered reported favorably to the full committee H. R. 946 (amended), to extend to oyster planters the benefits of the provisions of the present law which provide for production disaster loans for farmers and stockmen." p. D137
9. FORESTRY. At the request of Rep. Rutherford, passed over without prejudice H. R. 9822, to provide that lands within a national forest acquired under section 3 of the act of June 28, 1934, as amended (43 U.S.C. 315g), may be added to the national forest. p. 4073
10. TAXATION. On March 16, during adjournment, the Ways and Means Committee reported without amendment H. R. 10650, to amend the Internal Revenue Code of 1954 to provide a credit for investment in certain depreciable property, to eliminate certain defects and inequities (H. Rept. 1447). p. 4107
11. WILDLIFE. The Merchant Marine and Fisheries Committee reported with amendment H. J. Res. 489, to provide protection for the golden eagle (H. Rept. 1459). p. 4107
12. WEIGHTS AND MEASURES. At the request of Rep. Gross, passed over without prejudice H. R. 2049, to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the U. S. of the metric system of weights and measures. p. 4043
13. FEED GRAINS. On objection of Reps. Ford, Pelly, and Curtis, Mo., passed over H. R. 8914, to permit producers on farms on which summer fallow is a normal practice to plant barley on land devoted to summer fallow during 1961 which is diverted from wheat under the 1962 Wheat Stabilization Program provided an overall reduction of 20% is made in corn, grain sorghums, and barley. p. 4043
14. SCHOOL LUNCH PROGRAM. At the request of Rep. Ford, passed over without prejudice H. R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. p. 4044

Eligible bills not considered:

Passed over without prejudice: H.R. 2049, 6759, 8962, and 9822.

Objected to and stricken from calendar: H.R. 8914.

Pages 4043-4047

Program for Tuesday: Adjourned at 2:58 p.m. until Tuesday, March 20, at 12 o'clock noon, when the House will call the Private Calendar and consider H.R. 10802, making appropriations for the Department of the Interior and related agencies for fiscal year 1963.

Committee Meetings

LIVESTOCK—FEED GRAINS

Committee on Agriculture: Subcommittee on Livestock and Feed Grains, in executive session, ordered reported favorably to the full committee S. 860 (amended), to provide greater protection against the introduction and dissemination of diseases of livestock and poultry.

Prior to taking executive action the subcommittee held an open hearing on S. 860 and H.R. 3693 (a similar bill); H.R. 9886, to permit under certain circumstances flaxseed to be raised on acreage diverted from the production of wheat; H.R. 10214, to define the term "person" or "producers" under the 1962 wheat and feed grain programs; H.R. 10330, to amend the Agricultural Act of 1961.

Testimony was given by Representative Wright (H.R. 3693); and Department of Agriculture officials (all the bills).

PERISHABLE AGRICULTURAL COMMODITIES

Committee on Agriculture: Subcommittee on Domestic Marketing, in executive session, ordered reported favorably to the full committee S. 1037 (amended), relating to practices in the marketing of perishable agricultural commodities.

CONSERVATION—CREDIT

Committee on Agriculture: The Subcommittee on Conservation and Credit, in executive session, ordered reported favorably to the full committee H.R. 946 (amended), to extend to oyster planters the benefits of the provisions of the present law which provide for production disaster loans for farmers and stockmen; H.R. 9290, to amend the Soil Conservation and Domestic Allotment Act and the Agricultural Adjustment Act; H.R. 10374, to reduce the revolving fund available for subscriptions to the capital stock of the banks for co-operatives; and H.R. 10708, regarding communication service for the transmission of voice, sounds, signals, pictures, writing, or signs of all kinds through the use of electricity.

Prior to taking action on the bills the subcommittee held an open hearing, and heard testimony from Representative Downing (H.R. 946); and departmental witnesses (all four bills).

The subcommittee also approved four watershed projects: Gum Neck, N.C.; Pine Creek, Tenn.; Leon River, Tex.; Wagon Creek, Okla.

FOREIGN AID

Committee on Foreign Affairs: The committee, in executive session, continued hearings on the Foreign Assistance Act of 1962. Witnesses heard were Howard R. Cottam, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs; Adm. H. D. Felt, USN, commander in chief, Pacific, and Department of Defense officials. The committee will continue on this subject, in executive session, Tuesday, March 20.

HOME LOAN BANK BOARD

Committee on Government Operations: Special Subcommittee on the Home Loan Bank Board continued hearings on the activities of the board relating to the First Federal Savings & Loan Association, Clovis, N. Mex., and heard testimony from Federal Home Loan Bank Board officials. Hearings continue Tuesday, March 20.

INDIAN AFFAIRS

Committee on Interior and Insular Affairs: The Subcommittee on Indian Affairs held a hearing on H.R. 6299, to authorize leases and grants of rights-of-way on Indian lands in the State of New York; and H.R. 3529 and H.R. 5585, similar bills, regarding the harvesting and sale of Indian timber. Heard testimony from Representative Olsen (H.R. 5585); public witnesses (H.R. 6299); and departmental witnesses (H.R. 3529).

CORRECTION—JUDICIARY PROGRAM

Committee on the Judiciary: The DIGEST inadvertently announced in the program for this week that Subcommittee No. 1 would hold hearings, Wednesday, March 21, on H.R. 935. Hearings will be held on H.R. 9351, to authorize the issuance of certificates of citizenship in the Canal Zone.

NASA AUTHORIZATION

Committee on Science and Astronautics: Subcommittee No. 3 resumed consideration of the space sciences section of H.R. 10100, the National Aeronautics and Space Administration appropriation authorization bill. Testimony was given by NASA officials. Hearings continue Tuesday, March 20.

VETERANS' AFFAIRS

Committee on Veterans' Affairs: Met in executive session and ordered reported favorably to the House the following bills:

H.R. 8992, relating to the Department of Medicine and Surgery in the Veterans' Administration;

H.R. 9561 (amended) to authorize the furnishing abroad of hospital care and medical services for wartime service-connected disabilities;

H.R. 10069 (amended), relating to prosthetic research in the Veterans' Administration;

H.R. 10068 (amended), to permit veterans attaining the age of 65 who hold U.S. Government life insurance to exchange such insurance for a policy providing death protection only with reduced premiums;

H.R. 10669 (amended), relating to the assignment of national service life insurance;

H.R. 3728 (amended), to assign a total rating for compensation to a veteran granted service connection for blindness of one eye who subsequent to separation from active duty incurs blindness in the remaining eye;

H.R. 4012, to provide assistance in acquiring specially adapted housing for certain blind veterans who have suffered the loss or loss of use of a lower extremity;

H.R. 4901, regarding burial allowances paid in cases where discharges were changed by competent authority after death of the veteran from dishonorable to conditions other than dishonorable;

H.R. 5234 (amended), to provide for the restoration of certain widows and children to the rolls upon annulment of their marriages or remarriages;

H.R. 8282 (amended), to provide that there shall be no reduction of pension otherwise payable during hospitalization of certain veterans with a wife or child;

H.R. 8415, to change the classes of persons eligible to receive payments of benefits withheld during the life-

time of deceased veterans while being furnished hospital or domiciliary care;

H.R. 10066, to provide additional compensation for veterans suffering the loss or loss of use of both vocal cords, with resulting complete aphonia;

H.R. 10743, to provide increases in rates of disability compensation;

H.R. 1811 (amended), relating to war orphans' educational assistance, in order to permit eligible persons thereunder to attend foreign educational institutions under certain circumstances;

H.R. 8802, to provide for waiver of indebtedness to the U.S. in certain cases arising out of default on loans guaranteed or made by the Veterans' Administration;

H.R. 852 (amended), to establish medical advisory panels to resolve conflicts of evidence in questions involving service connection of disabilities or deaths; and

H.R. 857 (amended), to require that cases appealed to the Board of Veterans' Appeals contain a brief statement of the facts of the case, a citation and application of the law, and the recommendations of the office from which the appeal is taken.

TRADE EXPANSION ACT

Committee on Ways and Means: The committee continued hearings on H.R. 9900, the Trade Expansion Act of 1962, and heard testimony from public witnesses. Hearings continue Tuesday, March 20.

BILLS SIGNED BY THE PRESIDENT

New Laws

(For last listing of public laws, see DIGEST, p. D179, March 15, 1962)

S. 201, to donate to the Zuni Tribe approximately 610 acres of federally owned land. Signed March 16, 1962 (P.L. 87-416).

S. 1299, relative to conveyance of certain school properties to local school districts or public agencies. Signed March 16, 1962 (P.L. 87-417).

H.R. 7855, granting consent of Congress to amend the compact between Louisiana and Texas concerning the waters of the Sabine River. Signed March 16, 1962 (P.L. 87-418).

S. 2774, providing for appointment of acting secretaries for the governments of Guam and the Virgin Islands under certain conditions. Signed March 16, 1962 (P.L. 87-419).

COMMITTEE MEETINGS FOR TUESDAY, MARCH 20

(All meetings are open unless otherwise designated)

Senate

Committee on Commerce, open, followed by executive, on the nomination of Dr. Irvin Stewart, to be Assistant Director, Office of Emergency Planning, 10 a.m., 5110 New Senate Office Building.

Committee on Foreign Relations, to receive testimony on the activities of the Development and Resources Corporation in Iran, 10:30 a.m., 4221 New Senate Office Building.

Committee on the Judiciary, Antitrust and Monopoly Subcommittee, to resume its hearings on packaging and labeling practices, 10 a.m., 457 Old Senate Office Building.

Constitutional Rights Subcommittee, on S. 2750 and S. 480, relating to literacy requirements for voting standards, 10 a.m., 2228 New Senate Office Building.

Committee on Post Office and Civil Service, open, followed by executive, on the nomination of Sidney Bishop, to be an Assistant Postmaster General, 10 a.m., 6202 New Senate Office Building.

To resume its hearings on Government employees pay legislation, 10:30 a.m., 6202 New Senate Office Building.

House

Committee on Agriculture, Subcommittee on Livestock and Feed Grains, executive, on feed grain section of H.R. 10010, the general farm bill, 10 a.m., 1310 New House Office Building.

Subcommittee on Wheat, executive, on the wheat section of H.R. 10010, general farm bill, 10:30 a.m., 100-A George Washington Inn.

Committee on Appropriations, Subcommittee on Defense, executive, 10 a.m., F-16 U.S. Capitol Building.

Subcommittee on Deficiencies, executive, 10 a.m., F-2 U.S. Capitol Building.

Subcommittee on Agriculture, executive, 1 p.m., 311, east front, U.S. Capitol Building.

Subcommittee on State-Justice-Commerce-Judiciary, executive, 1:45 p.m., 323, east front, U.S. Capitol Building.

Committee on Armed Services, on H.R. 10202, the military construction bill, 10 a.m., 313-A Old House Office Building.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued March 23, 1962
For actions of March 22, 1962
87th-2d, No. 43

CONTENTS

Acreage allotments.....28	Education.....9	Potatoes.....28
Adjournment.....19	Electrification.....6,30	Property.....32
Appropriations.....14,18	Feed grains.....1	Public debt.....30
Banking.....5,13	Foreign trade.....7,27	Public works.....10
Conservation.....8	Honeybees.....11	Reclamation.....30
Contracts.....29	Legislative program.....18	Retirement.....15
Cooperatives.....5,12	Livestock diseases.....2	Rural development.....17
Cotton textiles.....7	Loans.....4	Stockpiling.....21
Crop insurance.....20	Perishable commodities...3	Sugar.....26
Dairy.....16	Personnel.....15,31	Taxation.....12

HIGHLIGHTS: House passed bill to permit summer fallow lands to participate in feed grains program. House Rules Committee cleared tax bill. House committee voted to report Youth Conservation Corps bill. House committee voted to report bill for import-export controls on nonparticipants in multilateral cotton textile agreements. Sen. Muskie and Reps. Cooley and McIntire introduced and Sen. Muskie and Rep. McIntire discussed bills to provide supply management program for potatoes.

HOUSE

- 1. FEED GRAINS.** Passed without amendment S. 2533, to permit farmers in summer fallow areas to receive barley, corn, and grain sorghum price support and to participate in the corn and grain sorghum diversion program provided they reduce their corn and grain sorghum acreage to the extent necessary to bring their acreage of corn, grain sorghum, and barley down to not more than 80 percent of the 1959-60 average of those three crops. This bill will now be sent to the President. A similar bill, H. R. 8914, was laid on the table. pp. 4372-81
- 2. LIVESTOCK DISEASES.** The Agriculture Committee voted to report (but did not actually report) with amendments S. 860, to grant the Secretary of Agriculture additional authority to provide greater protection against the introduction and dissemination of diseases of livestock and poultry. p. D200
- 3. PERISHABLE COMMODITIES.** The Agriculture Committee voted to report (but did not actually report) with amendments S. 1037, to amend the provisions of the

Perishable Agricultural Commodities Act retarding fees, oral hearings, and re-licensing of persons under the Act. p. D200

4. LOANS. The Agriculture Committee voted to report (but did not actually report) with amendments H. R. 946, to extend to oyster planters the benefits of the provisions of present law which provide for production disaster loans for farmers and stockmen. p. D200
5. COOPERATIVES. The Agriculture Committee voted to report (but did not actually report) H. R. 10374, to reduce the revolving fund available for subscriptions to the capital stock of the banks for cooperatives. p. D200
6. ELECTRIFICATION. The Agriculture Committee voted to report (but did not actually report) H. R. 10708, to amend section 203 of the Rural Electrification Act of 1936, as amended, with respect to communication service for the transmission of voice, sounds, signals, pictures, writing, or signs of all kinds through the use of electricity. p. D200
7. FOREIGN TRADE. The Agriculture Committee voted to report (but did not actually report) H. R. 10788, to amend section 204 of the Agricultural Act of 1956 to authorize the President to extend import-export controls to non-participants in multilateral cotton textile agreements. p. D200
8. CONSERVATION. The Committee on Education and Labor voted to report (but did not actually report) H. R. 10682, to authorize the establishment of a Youth Conservation Corps. p. D201
9. EDUCATION. The "Daily Digest" states that the Education and Labor Committee "ordered introduced in the House in lieu of H. R. 10390, the Adult Basic Education Act of 1962 (clean bill -- H. R. 10860)." p. D201
10. PUBLIC WORKS. Subcommittee No. 4 of the Judiciary Committee voted to report to the full committee with amendments H. J. Res. 464, to provide for the designation of the week commencing October 1, 1961, as "National Public Works Week." p. D201
11. HONEYBEES. The Agriculture Committee reported without amendment H. R. 8050, to prohibit the importation of all honeybees of the genus *Apis* in the adult stage except for research purposes by this Department or as the Secretary shall determine (H. Rept. 1477). p. 4392
12. TAXATION; COOPERATIVES. The Rules Committee reported a resolution for the consideration of H. R. 10650, the proposed Revenue Act of 1962, including revisions in tax provisions relative to cooperatives (see Digest 38 for items of interest). p. 4393
13. BANKING. The Banking and Currency Committee reported without amendment H. R. 10162, to amend the Bretton Woods Agreements Act to authorize the U. S. to participate in loans to the International Monetary Fund to strengthen the international monetary system (H. Rept. 1484). p. 4393
14. APPROPRIATIONS. The Appropriations Committee was granted until midnight tonight, Mar. 23, to file a report on the Labor, HEW and related agencies appropriation bill for 1963. p. 4371
15. RETIREMENT. Rep. Olsen discussed his bill H. R. 10706, to amend the Civil Service Retirement Act so as to provide for increases in annuities, eliminate

Daily Digest

HIGHLIGHTS

Feed grain program participation bill passed by House

Senate

Chamber Action

Routine Proceedings, pages 4452-4476

Bills Introduced: 10 bills were introduced, as follows:
S. 3050-3059. Page 4463

Bills Referred: Three House-passed bills were referred to appropriate committees. Page 4424

Indians: Conference report was adopted on H.R. 4130, to lessen the impact of termination of Federal services to the Menominee Indian Tribe of Wisconsin. This action cleared the bill for the White House. Page 4409

Aviation: The following additional conferees were appointed to serve on the committee of conference on S. 1969, to amend the Federal Aviation Act so as to provide for supplemental air carriers: Senators Magnuson, Engle, and Scott. Page 4409

Hamilton Memorial—Poll Tax: Senate continued debate on Mansfield motion to proceed to consideration of S.J. Res 29, to establish Alexander Hamilton's home as a national memorial. It has been announced that after Senate agrees to take up the bill Senator Holland will offer an amendment as a substitute, proposing a constitutional amendment relating to payment of poll tax. Pages 4395-4409, 4411-4423, 4431-4444, 4447-4452

Program for Friday: Senate met at 9 a.m., and recessed at 7:36 p.m. until 9 a.m. Friday, March 23, when it will continue on motion to consider S.J. Res. 29, Alexander Hamilton memorial. Pages 4394, 4476

Committee Meetings

(Committees not listed did not meet)

POSTAL RATES

Committee on Post Office and Civil Service: Committee resumed its hearings on H.R. 7927, proposed Postal Revision Act of 1962, receiving testimony from Bernard E. Esters, National Editorial Association; Maurice K. Henry, Kentucky Press Association; G. Richard Dew, Pennsylvania Newspaper Publishers' Association; William E. Branen, Wisconsin Press Association; R. E. Fisher and Phil Fourney, both of the West Virginia Press Association, all of whom were accompanied by Theodore A. Serrill, executive vice president, National Editorial Association; and Zoltan Gombos, editor and publisher, Hungarian Daily Szabadsag, Cleveland, who was introduced by Senator Lausche. Also participating in today's hearings was Senator Cooper.

Hearings continue on Tuesday, March 27.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 10884-10896; 7 private bills, H.R. 10897-10903; and 3 resolutions, H. Res. 574-576, were introduced. Page 4393

Bills Reported: Reports were filed as follows:

H.R. 8050, relating to importation of honey bees (H. Rept. 1477);

Twelfth report of the Committee on Government Operations, entitled "Cuba's Expropriation of U.S.-Owned Nickel Plant at Nicaro, Cuba" (H. Rept. 1478);

H.R. 10098, authorizing the exchange of certain lands at Antietam National Battlefield Site (H. Rept. 1479);

H.R. 9805, changing the name of Whitman National Monument to Whitman Mission National Site (H. Rept. 1480);

H.R. 10573, a private bill (H. Rept. 1481);

H. Res. 575, open rule providing for the consideration of and 1 hour of debate on H.R. 4441, to provide an ex gratia payment to the city of New York to assist in defraying expenses of 15th General Assembly of the United Nations (H. Rept. 1482); and

H. Res. 576, closed rule providing for the consideration of, 8 hours of debate on, and the waiving of points of order against, H.R. 10650, to amend the Internal Revenue Code of 1954 to provide a credit for investment

in certain depreciable property and to eliminate certain defects and inequities (H. Rept. 1483). Pages 4392-4393

Late Reports: Permission to file reports by midnight Friday was granted to the Committee on Appropriations on a bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies; and the Committee on Government Operations on sundry bills.

Similar permission to file reports by midnight Saturday was granted the Committee on Interstate and Foreign Commerce on H.R. 4999, to increase the opportunities for training of physicians, dentists, and professional public health personnel; Committee on Banking and Currency on H.R. 10162, to authorize the United States to participate in loans to the International Monetary Fund to strengthen the international monetary system; and the Committee on Rules to file sundry reports. Pages 4371, 4372, 4384, 4388

D.C. Unemployment Compensation: House adopted the conference report on H.R. 5968, to amend the D.C. Unemployment Compensation Act, as amended, and thus cleared the legislation for Presidential action. Page 4371

Air Carriers—Supplemental: The Speaker today appointed Representatives Jarman and Devine as additional conferees on S. 1969, to provide for supplemental air carriers. Page 4372

Feed Grain Program: By a voice vote the House passed S. 2533, to amend the Soil Conservation and Domestic Allotment Act relative to 1962 feed grain program eligibility, without amendment, and thus cleared the legislation for Presidential consideration.

H. Res. 572, the open rule under which the bill was considered had been adopted earlier by a voice vote. Pages 4372-4381

Duty-Free Steel Imports: By a voice vote the House passed H.R. 9778, to provide for the free entry of certain steel and steel products donated for an addition to the Chippewa County War Memorial Hospital, Sault Sainte Marie, Mich. Page 4381

Legislative Program: The legislative program for the week of March 26-31 was announced by the majority leader. Pages 4386-4387

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of March 28 and April 4. Page 4387

Program for Monday: Adjourned at 1:33 p.m. until Monday, March 26, at 12 o'clock noon when the House will consider D.C. legislation with one bill scheduled for consideration as follows: H.R. 10573, a private bill to grant the American Numismatic Association perpetual succession.

Committee Meetings

AGRICULTURAL MISCELLANY

Committee on Agriculture: Met in executive session and ordered reported favorably to the House the following bills:

S. 860 (amended), to provide greater protection against the introduction and dissemination of diseases of livestock and poultry;

S. 1037 (amended), to amend the Perishable Agricultural Commodities Act to authorize increases in license fees and give the Secretary of Agriculture more discretionary authority with respect to licensing thereunder;

H.R. 946 (amended), to extend to oyster planters the benefits of the provisions of the present law which provide for production disaster loans for farmers and stockmen;

H.R. 10374, to reduce the revolving fund available for subscriptions to the capital stock of the banks for cooperatives;

H.R. 10708, regarding communication service for the transmission of voice, sounds, signals, pictures, writing, or signs of all kinds through the use of electricity; and

H.R. 10788, to amend section 204 of the Agricultural Act of 1956.

Also approved the following watershed projects: Gum Neck, N.C.; Pine Creek, Tenn.; Leon River, Tex., and Wagon Creek, Okla.

AGRICULTURAL ACT

Committee on Agriculture: Held a hearing on H.R. 10788, to amend section 204 of the Agricultural Act of 1956 (multilateral agreements—cotton textiles). Heard testimony from Hickman Price, Jr., Assistant Secretary for Domestic Affairs, Department of Agriculture, and other departmental witnesses; also various public witnesses.

WHEAT

Committee on Agriculture: Subcommittee on Wheat met in executive session on the wheat section of H.R. 10010, the general farm bill.

MILITARY CONSTRUCTION

Committee on Armed Services: Continued hearings on H.R. 10202, to authorize certain construction at military installations, and heard testimony from departmental witnesses. Hearings continue Friday, March 23.

SOLE SOURCE PROCUREMENT

Committee on Armed Services: Subcommittee for Special Investigations met in executive session on sole source procurement. Adjourned subject to call of the Chair.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued March 29, 1962
For actions of March 28, 1962
87th-2d, No. 48

CONTENTS

Acreage allotments.....34	Electrification.....29	Livestock diseases.....2
Animal research.....31	Extension work.....14	Meat grading.....15
Appropriations.....10	Farm credit.....16	Monopolies.....21
Banking and currency....37	Farm program.....1,20,35	Nominations.....16
Budget.....41	Feed grains.....24	Patents.....32
Conservation.....27	Foreign currencies.....7	Peace Corps.....6,12
Consumers.....21	Foreign trade.....17,23	Personnel.....30,42
Contracts.....5,43	Forestry.....13,22	Potatoes.....34
Cooperatives.....3,18	Humane treatment.....31	Property.....26
Cropland retirement....35	Labeling.....25	Public works.....28,33
Dairy price supports.....9	Land-use adjustment.....1	Purchasing.....5
Economic situation.....19	Laws.....38	Research contracts.....43
		Retirement.....30
		Safety.....44
		Saline water.....8
		School lunch.....4
		Sugar.....11
		Taxation.....3
		Territories.....4
		Textiles.....36
		Transportation.....40
		Water pollution.....39

HIGHLIGHTS: Senate committee voted not to report bill to continue current support prices for milk and butterfat. House subcommittee voted to report land-use adjustment sections of farm bill. Sen. Smathers urged early enactment of long-range sugar program. Senate began debate on Treasury-Post Office-Executive Office appropriation bill. House began debate on tax bill. Rep. Randall inserted Secretary's speech.

HOUSE

- FARM PROGRAM.** The "Daily Digest" states that the Subcommittee on Conservation and Credit of the Agriculture Committee voted to report to the full committee with amendment title I, on land-use adjustment, of H. R. 10010, the omnibus farm bill. p. D219
Rep. Findley criticized the proposed Food and Agriculture Act of 1962, saying, "I will do my utmost on the Committee on Agriculture to kill the entire bill, as I am convinced that no legislation is far to be preferred to any modification of a bill that is so basically against the interests of the farmer." p. 4863
- LIVESTOCK DISEASES.** The Agriculture Committee reported with amendments S. 850, to grant the Secretary of Agriculture additional authority to provide greater protection against the introduction and dissemination of diseases of livestock and poultry (H. Rept. 1516). p. 4937

3. TAXATION; COOPERATIVES. Began debate on H. R. 10650, the proposed Revenue Act of 1962, including revisions in tax provisions relative to cooperatives (see Digest 38 for items of interest). pp. 4863-920
4. TERRITORIES. The Interior and Insular Affairs Committee reported with amendments H. R. 10062, to extend the application of certain laws to American Samoa including extension of the provisions of the National School Lunch Act to Samoa and authorizing the USDA to make available to the territory technical, scientific, and other agricultural program assistance on a selective and limited basis (H. Rept. 1536). (p. 4937). The committee earlier voted to report this bill (p. D220).
5. PURCHASING. The Education and Labor Committee voted to report (but did not actually report) H. R. 10946 (in lieu of H. R. 10766), to amend the Davis-Bacon Act to define the term "wages" as used in the Act, and H. R. 10786, to establish standards for hours of work and overtime pay of laborers and mechanics employed on work done under contract for, or with the financial aid of, the U. S. for any territory, or for D. C. p. D220
6. PEACE CORPS. The Rules Committee reported a resolution for the consideration of H. R. 10700, to authorize increased appropriations for the Peace Corps. pp. 4868, 4937
7. FOREIGN CURRENCIES. Received from the House Administration Committee the reports of several committees on the expenditures of foreign currencies and appropriated funds in travel abroad. pp. 4931-7
8. SALINE WATER. Received from Interior a report on that Department's operations during 1961 under the Saline Water Act of 1952. p. 4937

SENATE

9. DAIRY PRICE SUPPORTS. By a vote of 11 to 5, the Agriculture and Forestry Committee voted not to report S. J. Res. 150, to continue for nine months additional the current price supports for milk and butterfat. p. D217
10. TREASURY-POST OFFICE-EXECUTIVE OFFICE APPROPRIATION BILL, 1963. Began debate on this bill, H. R. 10526. pp. 4819, 4839-60
11. SUGAR. Sen. Smathers urged early consideration of legislation to extend the Sugar Act, an increase in the quota of mainland cane sugar, and enactment of legislation to extend the program for at least 5 years. pp. 4804-5
12. PEACE CORPS. The Foreign Relations Committee voted to report (but did not actually report) with amendment S. 2935, to extend and expand the Peace Corps. p. D218
13. FORESTRY. Sen. Bennett submitted an amendment intended to be proposed to S. 2387, to provide for the establishment of the Canyonlands National Park Utah (includes National Forest lands). p. 4782
Sen. Moss urged support for legislation to establish the Canyonlands National Park. pp. 4828-31
Sen. Neuberger urged establishment of the Oregon Dunes as a national park and stated, "I firmly believe that the downgrading of the Oregon Dunes was a concession to the Department of Agriculture to give the Forest Service one beautiful area to develop for recreation." pp. 4860-1

ANIMAL QUARANTINE LAWS

MARCH 28, 1962.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany S. 860]

The Committee on Agriculture, to whom was referred the bill (S. 860) to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 2, line 24, strike out "extremely".

Page 5, line 5, strike out "knowingly" and in line 6, insert "knowingly" following the word "agent".

Page 6, lines 23 and 25, strike out the words "person or" in each line.

STATEMENT

S. 860 is a revision of a similar bill (S. 864) which passed the Senate in the 86th Congress but was not acted upon by the House. Certain provisions of the previous bill were objected to by segments of the livestock industry and were unacceptable to the Committee on Agriculture. Accordingly, action on that bill was deferred with the request to the Department of Agriculture that it confer with various segments of the livestock industry again, and try to work out amendments which would preserve the intent and purpose of the legislation, but which would be satisfactory to all elements of the livestock and poultry industry in the United States.

The Department did conduct such discussions and conferences and has made certain changes in the legislation, which are now embodied in the Senate bill. As far as this committee is aware, the provisions of this bill (S. 860) as approved by the Senate and amended by this committee are acceptable to the livestock and poultry industry of this country.

The general effect and purpose of this bill is twofold: (1) To extend to all communicable diseases of livestock and poultry, authority of the Secretary to deal with emergency situations arising from outbreaks of such diseases, such as he now has with respect to specific diseases in numerous separate laws; and (2) to charge the Secretary of Agriculture with the general duty and responsibility of preventing the entry or dissemination of communicable diseases of livestock and poultry, so that he may take action before an emergency arises.

COMMITTEE AMENDMENTS

On page 2 the word "extremely" has been stricken by the committee because it considers it to be unnecessary in view of the controlling words "extraordinary emergency" which appear on page 3, line 5, in the same sentence.

On page 5, the word "knowingly" has been transposed in order to state more clearly the intent of the subsection.

The committee amendment on page 6 strikes the words "person or" from the second provision of section 5 and is intended to deny to the Secretary the authority to stop and inspect any person moving interstate under his responsibilities in connection with this act. It is not intended to diminish in any way his authority to stop and inspect a means of conveyance moving interstate upon probable cause to believe that it is carrying prohibited animals or articles and in the course of such action to stop any persons who might be operating or riding in or on such conveyance.

SENATE REPORT

[S. Rept. No. 582, 87th Cong., 1st sess.]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 860) to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes, having considered the same, report thereon with a recommendation that it do pass without amendment.

GENERAL PURPOSE OF BILL

This bill, except for minor changes of a technical nature, is identical to S. 864 of last Congress, as passed by the Senate on July 16, 1959. It is designed to close a number of gaps which have shown up in the animal quarantine laws and to clarify authority for certain actions under such laws. Those laws have been enacted from time to time to meet particular situations. They are applicable to specific animals, diseases, or circumstances, and fail to cover, or provide different authority with respect to, other animals, diseases, and circumstances where there is a need for uniform, broad authority. The bill is designed to provide such authority for all cases of like need.

For instance section 11 of the act of May 29, 1884, gives the Secretary certain control and eradication authority with respect to a long list of named diseases. It has been amended

from time to time to add additional diseases. The bill would make it applicable to all communicable diseases of livestock or poultry.

Sections 1 through 4 of the act of March 3, 1905, provide quarantine measures for cattle and livestock. The bill would extend these provisions to all animals.

Section 1 of the act of March 3, 1905, authorizes quarantine of any State in which there are diseased livestock. The bill extends section 1 to States in which the contagion, or vectors which may disseminate the disease exist, even though there are no diseased livestock.

Section 2 of the act of February 2, 1903, authorizes the Secretary to seize, quarantine, and dispose of hay, straw, forage, or similar material. Section 2(b) of the bill authorizes the Secretary to seize, quarantine, and dispose of any articles which he finds were so related to certain animals as to be likely to be a means of disseminating disease.

These are but a few examples of the gaps which would be filled by the bill. The bill would increase the Secretary's seizure authority; clarify his authority to restrict imports; increase authority for inspection and for sanitary regulations, and provide injunction authority. The purpose of the bill is to provide adequate safeguards for the protection from disease of our domestic livestock and poultry industry.

The bill would—

(1) authorize seizure, quarantine, and disposal of animals—

(A) moved or handled in interstate or foreign commerce contrary to Federal quarantine laws and regulations,

(B) moved into the United States or interstate while affected with or exposed to a communicable disease dangerous to livestock or poultry, or

(C) affected with or exposed to an extremely dangerous disease creating an extraordinary emergency, but only if State or other authorities are not taking adequate measures (and in such case seizure, quarantine and disposal of carcasses of such animals and contaminated products and articles would also be authorized);

(2) require payment of indemnity in an amount not exceeding the difference between the fair market value and the compensation received from a State or other source for any animal, product, or article so disposed of, except one moved or handled contrary to certain Federal or State quarantine laws and regulations;

(3) authorize sanitary regulations for conveyances, stockyards, feed, and other facilities used in connection with moving animals into or from the United States, or interstate;

(4) authorize regulations restricting or prohibiting importation of animals likely to disseminate disease if necessary to protect domestic livestock or poultry;

(5) authorize inspection of—

(A) persons and conveyances moving into the United States;

(B) persons and conveyances moving interstate upon probable cause; and

(C) premises with a warrant;

(6) provide penalties of fine and imprisonment for violation of the regulations under the preceding provisions and authorize enforcement of the preceding provisions and regulations thereunder through injunction;

✓ (7) extend to all communicable diseases of livestock or poultry the Secretary's authority under section 11 of the act of May 29, 1884, to eradicate named diseases by purchase, destruction, indemnities, and otherwise;

(8) authorize the quarantine of any State, territory, or the District of Columbia, or any portion thereof, if the contagion of, or vectors which may spread, any contagious, infectious, or communicable disease exist therein, and extend the first four sections of the act of March 3, 1905, and the related provision in the act of June 30, 1914, to all animals (instead of livestock and poultry); and

(9) make it clear that Federal officers performing any function authorized by the Secretary of Agriculture under any Federal or State quarantine program would be covered by laws prohibiting interference with Federal officers.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 8, 1961.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

MY DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report on S. 860, a bill to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

Senate bill 860 would clarify and strengthen a number of provisions of the animal quarantine laws, which have been enacted from time to time since 1884 to meet particular situations in connection with specific animals, diseases, or circumstances. This bill would fill gaps in our animal quarantine laws thus providing our Nation's farmers and ranchers more adequate protection against the introduction and dissemination of livestock and poultry diseases. The Department strongly supports the purposes of S. 860 and recommends its enactment.

The bill would authorize the Secretary of Agriculture to properly dispose of animals which have been brought into this country or moved interstate in violation of a Federal quarantine, or which have been found on such movement to be infected with or exposed to any communicable disease dangerous to livestock or poultry. It would permit the

Secretary to act in case of an extreme emergency threatening the livestock or poultry of the United States, such as an unchecked outbreak of foot-and-mouth disease. In addition, the bill would authorize the payment of certain indemnities, the promulgation of necessary regulations in connection with the cleaning and disinfection of conveyances and other facilities, and necessary inspection operations. It would broaden the Secretary's authority to prohibit or regulate the importation of animals to prevent the introduction or spread of livestock or poultry diseases. This bill is designed to make existing programs more effective and to round out the Department's authority to cooperate with the States. Enactment of S. 860 would not require an increase in the Department's appropriation.

There is attached a more detailed analysis and explanation of S. 860 which may be of use to the committee.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

CHARLES S. MURPHY,
Acting Secretary.

ANALYSIS OF S. 860

Section 1

There is no definition of "Secretary" or "animals" in the present animal quarantine laws. There is considerable variation in the descriptions of the animals to which the laws apply.

The present statutes relating to imports and exports refer to the United States and most of those relating to interstate commerce refer to the States, the territories, and the District of Columbia. Section 3 of the act of May 29, 1884, as amended (21 U.S.C. 114) refers to States and territories and section 11 of that act (21 U.S.C. 114a) refers to the States, the District of Columbia, Puerto Rico, and the territories and possessions. The term "territories" has been construed to mean the organized territories such as Puerto Rico, Guam, and the Virgin Islands of the United States. Section 401 of the Tariff Act of 1930, as amended (19 U.S.C. 1401) defines "United States" so as to except the Virgin Islands, Guam, and certain other areas for purposes of the animal quarantine provisions in section 306 of that act (19 U.S.C. 1306).

Section 2

Section 2(a) of the bill confers additional authority to seize, quarantine, and dispose of animals (including poultry) on the basis of their movement or handling contrary to the animal quarantine laws or regulations or on the basis of the movement of the animals into the United States or interstate while affected with or exposed to any communicable disease dangerous to livestock or poultry. Section 2(b) of the bill provides that in case the Secretary determines an extraordinary emergency exists because of the outbreak of

an extremely dangerous, communicable disease of livestock or poultry, which threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of animals (including poultry) affected with or exposed to such disease, and their carcasses and related products and articles. Provision is made for payment of compensation except in certain circumstances. Such compensation would be based on fair market value. The authority of section 2 is not dependent on cooperation of any State or other jurisdiction or organization or individual.

Under section 11 of the act of May 29, 1884, as amended (21 U.S.C. 114a) the Secretary is authorized, either independently or in cooperation with States, the District of Columbia, Puerto Rico, and the Territories and possessions of the United States, certain organizations, and individuals, to control and eradicate specified diseases of animals (including poultry), incipient or potentially serious, minor outbreaks of animal diseases, and contagious or infectious diseases of animals which are deemed to constitute an emergency and threaten the livestock industry, including the payment of claims growing out of the destruction of animals (including poultry), and of materials, affected by or exposed to any such disease. This section contemplates a program in which participation by the owner of the animals and materials is voluntary so far as the Federal Government is concerned.

Section 8 of the act of August 30, 1890 (21 U.S.C. 103), authorizes the Secretary to slaughter any ruminants or swine imported into the United States which are adjudged to be infected with any contagious disease or to have been exposed to infection so as to be dangerous to other animals, and to pay the value of exposed animals so slaughtered to the owners thereof, except that no payment may be made for animals imported in violation of the act.

Paragraph (e) of section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) authorizes the Secretary to prescribe in regulations the terms and conditions for the destruction of ruminants and swine and meat thereof offered for entry from a country where foot-and-mouth disease or rinderpest exists and refused admission into the United States, unless such animals and meat are exported by the consignee within the time fixed therefor in the regulations. Section 306 also authorizes seizure and disposal of zoo animals allowed entry under its provisions and thereafter not handled as required under the section.

Under section 2 of the act of February 2, 1903, as amended (21 U.S.C. 111), the Secretary is authorized to seize, quarantine, and dispose of hay, straw, forage, or similar material, or any animal products, being imported or moving interstate, in order to guard against the introduction or spread of the contagion of disease.

Section 3

The Secretary has authority under sections 4 and 5 of the act of May 29, 1884, as amended, section 10 of the act of

August 30, 1890, and the act of February 2, 1903, as amended (21 U.S.C. 105, 111, 112, 113, 120) to require the cleaning and disinfecting of means of conveyance and facilities to prevent the dissemination of communicable diseases of livestock and poultry into or from the United States or interstate. The authority contained in section 3 of the bill would provide additional protection of the general health of livestock and poultry.

Section 4

Section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) prohibits the importation of cattle, sheep, other ruminants and swine, and fresh, chilled, or frozen meat of such animals, from countries where foot-and-mouth disease or rinderpest is determined by the Secretary to exist. Under section 9 of the act of August 30, 1890 (21 U.S.C. 101) the President is authorized to suspend by proclamation the importation of all or any class of animals for a limited time when in his opinion such action is necessary for the protection of animals in the United States against contagious diseases, and to change, revoke, or renew such proclamation as the public good may require. The Secretary has some authority under the 1890 act and the act of February 2, 1903, as amended, to regulate imports of animals but clarification and extension of his authority in this field is deemed necessary for adequate protection against dissemination of livestock and poultry diseases.

Section 5

Section 5 of the bill has no counterpart in existing animal quarantine legislation but is similar to provisions in section 107 of the Federal Plant Pest Act (7 U.S.C. 150ff).

Section 6

Section 6 of the bill provides criminal penalties similar to those provided in section 3 of the act of February 2, 1903, as amended and section 6 of the act of March 3, 1905, as amended (21 U.S.C. 122, 127). In addition section 6 provides for injunctive enforcement procedures.

Section 7

Section 7 of the bill would amend section 11 of the act of May 29, 1884, as amended (21 U.S.C. 114a) to authorize the Secretary to control and eradicate any communicable disease of livestock or poultry instead of only the diseases now specified in said section 11.

Section 8

The first section of the act of March 3, 1905, as amended (21 U.S.C. 123) authorizes the Secretary to quarantine any State or territory or the District of Columbia, or any portion thereof, when he determines that livestock or poultry in such State, territory, or District are affected with any communicable disease. Section 8(a) of the bill would amend this section of the 1905 act to authorize the Secretary to

so quarantine when he determines that any animals or poultry in such State, territory, or District are affected with a communicable disease of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State, territory, or District.

Section 2 of the 1905 act prohibits the delivery and receipt for transportation interstate, and the interstate movement, from an area quarantined under the first section of the act, of livestock or poultry except as provided in section 4 of the act. Section 3 of the act authorizes the Secretary to promulgate regulations permitting and governing the interstate movement of livestock or poultry from such a quarantined area. Section 4 of the act permits the interstate movement of livestock or poultry from such a quarantined area under the regulations of the Secretary. Section 8(b) of the bill would amend these provisions of the 1905 act to make them applicable to any animals or poultry quarantined under the first section of the bill.

Section 9

This provision in the Department's appropriation act approved June 30, 1914, as amended, provides that the 1905 act shall apply to any common carrier whose road or line forms any part of a route over which livestock or poultry are transported in the course of interstate shipment from a quarantined area. Section 9 of the bill would amend this provision of the appropriation act to make it consistent with the 1905 act as amended by the bill.

Section 10

Section 10 of the bill would specifically include the departmental employees performing the designated functions within the protection afforded certain Federal employees against assaults, other interferences, and homicide under sections 111 and 1114 of title 18, United States Code.

Section 11

Section 11 would authorize the issuance of regulations deemed necessary to carry out the provisions of the bill.

Section 12

Section 12 of the bill expresses the relation of the bill to other laws.

Section 13

Section 13 of the bill contains the usual savings provision in case of invalidation of the act in any respect.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black

brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

SECTION 11 OF THE ACT OF MAY 29, 1884 (21 U.S.C. 114a)

§ 114a. Control and eradication of diseases; cooperation of States and farmers' associations; purchase and destruction of diseased animals; definition of State.

The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers' associations and similar organizations, and individuals, is authorized to control and eradicate *any communicable diseases of livestock or poultry, including, but not limited to*, tuberculosis and paratuberculosis of animals, avian tuberculosis, brucellosis of domestic animals, southern cattle ticks, hog cholera and related swine diseases, scabies in sheep and cattle, dourine in horses, scrapie and blue tongue in sheep, incipient or potentially serious minor outbreaks of diseases of animals, and contagious or infectious diseases of animals (such as foot-and-mouth disease, rinderpest, and contagious pleuropneumonia) which in the opinion of the Secretary constitute an emergency and threaten the livestock industry of the country, including the payment of claims growing out of destruction of animals (including poultry), and of materials, affected by or exposed to any such disease, in accordance with such regulations as the Secretary may prescribe. As used in this section, the term "State" includes the District of Columbia, Puerto Rico, and the Territories and possessions of the United States.

SECTIONS 1 THROUGH 4 OF THE ACT OF MARCH 3, 1905 (21 U.S.C. 123, 124, 125 AND 126)

§ Quarantine.

The Secretary of Agriculture is authorized and directed to quarantine any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that **[cattle or other livestock]** *any animals* and/or live poultry in such State or Territory or District of Columbia are affected with any contagious, infectious, or communicable disease of *livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia*; and the Secretary of Agriculture is directed to give written or printed notice of the establishment of quarantine to the proper officers of railroad, steamboat, or other transportation companies doing business in or through any quarantined State or Territory or the District of Columbia, and to publish in such newspapers in the quarantined State or Territory or the District of Columbia, as the Secretary of Agriculture may select, notice of the establishment of quarantine.

§ 124. Transportation or delivery therefor from quarantined State or Territory or portion thereof, of livestock and live poultry, forbidden.

No railroad company or the owners or masters of any steam or sailing or other vessel or boat shall receive for transportation or transport from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any **[cattle or other livestock]** *quarantined*

animals, and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or to the master or owner of any boat or vessel, any **[cattle or other livestock]** *quarantined animals* and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance or cause to be transported in private conveyance, from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any **[cattle or other livestock]** *quarantined animals* and/or live poultry, except as hereinafter provided.

§ 125. Regulations for inspection, disinfection, and certification, and delivery and shipment of livestock and live poultry from quarantined State or Territory.

It shall be the duty of the Secretary of Agriculture, and he is authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of **[cattle or other livestock]** *quarantined animals* and/or live poultry from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia; and the Secretary of Agriculture shall give notice of such rules and regulations in the manner provided in section 124 of this title for notice of establishment of quarantine.

§ 126. Moving livestock and live poultry from quarantined State or Territory, under regulations.

[Cattle or other livestock] *quarantined animals* and/or live poultry may be moved from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, under and in compliance with the rules and regulations of the Secretary of Agriculture, made and promulgated in pursuance of the provisions of section 125 of this title; but it shall be unlawful to move, or to allow to be moved, any **[cattle or other livestock]** *quarantined animals* and/or live poultry from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture.

THE FIRST PROVISIO UNDER THE HEADING "GENERAL EXPENSES, BUREAU OF ANIMAL INDUSTRY" IN THE ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND FIFTEEN" (21 U.S.C. 128)

§ 128. Extension of quarantine law to carriers in interstate commerce.

The provisions of sections 123-127 of this title shall apply to any railroad company or other common carrier whose road or line forms

any part of a route over which [cattle or other livestock] *quarantined animals* and/or live poultry are transported in the course of shipment from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia.

TITLE 18, UNITED STATES CODE

§ 111. Assaulting, resisting, or impeding certain officers or employees.

Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties, shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

Whoever, in the commission of any such acts uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

§ 1114. Protection of officers and employees of the United States.

Whoever kills any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any post-office inspector, any officer or employee of the secret service or the Bureau of Narcotics, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, *any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases*, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management, any employee of the Bureau of Animal Industry of the Department of Agriculture, or any officer or employee of the Indian field service of the United States, or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title.

○

S. 860

[Report No. 1516]

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1961

Referred to the Committee on Agriculture

MARCH 28, 1962

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

AN ACT

To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That as used in this Act unless the context indicates other-
4 wise—

5 (a) The term “Secretary” means the Secretary of
6 Agriculture.

7 (b) The term “animals” means all members of the
8 animal kingdom including birds, whether domesticated or
9 wild, but not including man.

10 (c) The term “United States” means the States, Puerto

1 Rico, Guam, the Virgin Islands of the United States, and
2 the District of Columbia.

3 (d) The term "interstate" means from a State or other
4 area included in the definition of "United States" to or
5 through any other State or other such area.

6 SEC. 2. (a) The Secretary, whenever he deems it
7 necessary in order to guard against the introduction or dis-
8 semination of a communicable disease of livestock or poultry,
9 may seize, quarantine, and dispose of, in a reasonable
10 manner taking into consideration the nature of the disease
11 and the necessity of such action to protect the livestock or
12 poultry of the United States: (1) any animals which he
13 finds are moving or are being handled or have moved or
14 have been handled in interstate or foreign commerce con-
15 trary to any law or regulation administered by him for
16 the prevention of the introduction or dissemination of any
17 communicable disease of livestock or poultry; (2) any
18 animals which he finds are moving into the United States,
19 or interstate, and are affected with or have been exposed
20 to any communicable disease dangerous to livestock or
21 poultry; and (3) any animals which he finds have moved
22 into the United States, or interstate, and at the time of such
23 movement were so affected or exposed.

24 (b) Whereas the existence of any ~~extremely~~ dangerous,
25 communicable disease of livestock or poultry, such as foot-

1 and-mouth disease, rinderpest, or European fowl pest, on
2 any premises in the United States would constitute a threat
3 to livestock and poultry of the Nation and would seriously
4 burden interstate and foreign commerce, whenever the
5 Secretary determines that an extraordinary emergency
6 exists because of the outbreak of such a disease anywhere
7 in the United States, and that such outbreak threatens
8 the livestock or poultry of the United States, he may seize,
9 quarantine, and dispose of, in such manner as he deems
10 necessary or appropriate, any animals in the United States
11 which he finds are or have been affected with or exposed
12 to any such disease and the carcasses of any such animals
13 and any products and articles which he finds were so re-
14 lated to such animals as to be likely to be a means of dis-
15 seminating any such disease: *Provided*, That action shall be
16 taken under this subsection only if the Secretary finds that
17 adequate measures are not being taken by the State or other
18 jurisdiction. The Secretary shall notify the appropriate
19 official of the State or other jurisdiction before any action is
20 taken in any such State or other jurisdiction pursuant to this
21 subsection.

22 (c) The Secretary in writing may order the owner of
23 any animal, carcass, product, or article referred to in sub-
24 section (a) or (b) of this section, or the agent of such
25 owner, to maintain in quarantine and to dispose of such

1 animal, carcass, product, or article in such manner as the
2 Secretary may direct pursuant to authority vested in him
3 by such subsections. If such owner or agent fails to do so
4 after receipt of such notice, the Secretary may take action
5 as authorized by said subsections (a) and (b) and recover
6 from such owner or agent the reasonable costs of any care,
7 handling, and disposal incurred by the Secretary in connec-
8 tion therewith. Such costs shall not constitute a lien against
9 the animals, carcasses, products, or articles involved. Costs
10 collected under this section shall be credited to the current
11 appropriation for carrying out animal disease control ac-
12 tivities of the Department.

13 (d) Except as provided in subsection (e) of this sec-
14 tion, the Secretary shall compensate the owner of any animal,
15 carcass, product, or article destroyed pursuant to the provi-
16 sions of this section. Such compensation shall be based upon
17 the fair market value as determined by the Secretary, of any
18 such animal, carcass, product, or article at the time of the
19 destruction thereof. Compensation paid any owner under
20 this subsection shall not exceed the difference between any
21 compensation received by such owner from a State or other
22 source and such fair market value of the animal, carcass,
23 product, or article. Funds in the Treasury available for

1 carrying out animal disease control activities of the Depart-
2 ment of Agriculture shall be used for carrying out this sub-
3 section.

4 (e) No such payment shall be made by the Secretary
5 for any animal, carcass, product, or article which ~~knowingly~~
6 has been moved or handled by the owner thereof or his agent
7 *knowingly* in violation of a law or regulation administered by
8 the Secretary for the prevention of the interstate dissemi-
9 nation of the communicable disease, for which the animal,
10 carcass, product, or article was destroyed or a law or regula-
11 tion for the enforcement of which the Secretary enters or has
12 entered into a cooperative agreement for the control and
13 eradication of such disease, or for any animal which has
14 moved into the United States contrary to such law or regu-
15 lation administered by the Secretary for the prevention of the
16 introduction of a communicable disease of livestock or poultry.

17 SEC. 3. The Secretary, in order to protect the health of
18 the livestock or poultry of the Nation, may promulgate regu-
19 lations requiring that railway cars; vessels; airplanes; trucks;
20 and other means of conveyance; stockyards; feed, water,
21 and rest stations; and other facilities, used in connection with
22 the movement of animals into or from the United States, or

1 interstate, be maintained in a clean and sanitary condition,
2 including requirements for inspection, cleaning, and disin-
3 fection.

4 SEC. 4. The Secretary is authorized to promulgate reg-
5 ulations prohibiting or regulating the movement into the
6 United States of any animals which are or have been affected
7 with or exposed to any communicable animal disease, or
8 which have been vaccinated or otherwise treated for any
9 such disease, or which he finds would otherwise be likely to
10 introduce or disseminate any such disease, when he deter-
11 mines that such action is necessary to protect the livestock
12 or poultry of the United States.

13 SEC. 5. Employees of the Department of Agriculture
14 designated by the Secretary for the purpose, when properly
15 identified, shall have authority (1) to stop and inspect, with-
16 out a warrant, any person or means of conveyance, moving
17 into the United States from a foreign country, to determine
18 whether such person or means of conveyance is carry-
19 ing any animal, carcass, product, or article regulated or sub-
20 ject to disposal under any law or regulation administered by
21 the Secretary for prevention of the introduction or dissemina-
22 tion of any communicable animal disease; (2) to stop and
23 inspect, without a warrant, any ~~person or~~ means of convey-
24 ance moving interstate upon probable cause to believe that
25 such ~~person or~~ means of conveyance is carrying any animal,

1 carcass, product, or article regulated or subject to disposal
2 under any law or regulation administered by the Secretary
3 for the prevention of the introduction or dissemination of any
4 communicable animal disease; and (3) to enter upon, with a
5 warrant, any premises for the purpose of making inspections
6 and seizures necessary under such laws and regulations. Any
7 Federal judge, or any judge of a court of record in the
8 United States, or any United States commissioner, may,
9 within his jurisdiction, upon proper oath or affirmation in-
10 dicating probable cause to believe that there is on certain
11 premises any animal, carcass, product, or article regulated
12 or subject to disposal under any law or regulation admin-
13 istered by the Secretary for the prevention of the introduc-
14 tion or dissemination of any communicable animal disease,
15 issue warrants for the entry upon such premises and for in-
16 spections and seizures necessary under such laws and regula-
17 tions. Such warrants may be executed by any authorized
18 employee of the Department of Agriculture.

19 SEC. 6. (a) Whoever knowingly violates any regula-
20 tion promulgated pursuant to the provisions of sections 1
21 through 5 of this Act shall be punished by a fine not exceed-
22 ing \$1,000 or by imprisonment not exceeding one year, or
23 both.

24 (b) The Secretary may bring an action to enjoin the
25 violation of, or to compel compliance with, any regulation

1 promulgated or order issued under said sections, or to enjoin
2 any interference by any person with an employee of the
3 Department of Agriculture in carrying out any duties under
4 said sections, whenever the Secretary has reason to believe
5 that such person has violated, or is about to violate, any
6 such regulation or order, or has interfered, or is about to in-
7 terfere, with any such employee. Such action shall be
8 brought in the United States district court, or the United
9 States court of any Territory or possession, for the judicial
10 district in which such person resides or transacts business or
11 in which the violation, omission, or interference has occurred
12 or is about to occur. Process in such cases may be served in
13 any judicial district wherein the defendant resides or trans-
14 acts business or wherever the defendant may be found, and
15 subpoenas for witnesses who are required to attend the court
16 in any judicial district in any such cases may run into any
17 other judicial district.

18 SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat.
19 734), as amended (21 U.S.C. 114a), is further amended by
20 inserting the words "any communicable diseases of livestock
21 or poultry, including, but not limited to," after the word
22 "eradicate".

23 SEC. 8. (a) The first section of the Act of March 3,
24 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is
25 further amended by striking out the phrase "cattle or other

1 livestock” and inserting in lieu thereof the words “any ani-
2 mals”, and by inserting after the word “disease” the words
3 “of livestock or poultry or that the contagion of any such
4 disease exists or that vectors which may disseminate any such
5 disease exist in such State or Territory or the District of
6 Columbia”.

7 (b) Sections 2, 3, and 4 of such Act (33 Stat. 1264,
8 1265), as amended (21 U.S.C. 124, 125, 126), are further
9 amended by striking out the phrase “cattle or other live-
10 stock” each time such phrase appears in those sections and
11 inserting in lieu thereof the words “quarantined animals”.

12 SEC. 9. The first proviso under the heading “General
13 Expenses, Bureau of Animal Industry” in the Act entitled
14 “An Act making appropriations for the Department of Agri-
15 culture for the fiscal year ending June thirtieth, nineteen
16 hundred and fifteen”, approved June 30, 1914 (38 Stat.
17 419), as amended (21 U.S.C. 128), is further amended by
18 striking out the phrase “cattle or other livestock” and in-
19 serting in lieu thereof the words “quarantined animals”.

20 SEC. 10. Section 1114 of title 18 of the United States
21 Code is amended by inserting after “wild birds and animals,”
22 the following: “any employee of the Department of Agri-
23 culture designated by the Secretary of Agriculture to carry
24 out any law or regulation, or to perform any function in
25 connection with any Federal or State program or any

1 program of Puerto Rico, Guam, the Virgin Islands of
2 the United States, or the District of Columbia, for the con-
3 trol or eradication or prevention of the introduction or
4 dissemination of animal diseases,”.

5 SEC. 11. The Secretary is authorized to issue such
6 regulations as he deems necessary to carry out the pro-
7 visions of this Act.

8 SEC. 12. The authority conferred by this Act shall be
9 in addition to authority conferred by other statutes. Any
10 provision of any other Act inconsistent with the provisions
11 of this Act is hereby repealed.

12 SEC. 13. If any provision of this Act or application
13 thereof to any person or circumstances is held invalid, the
14 remainder of the Act and the application of such provision
15 to other persons and circumstances shall not be affected
16 thereby.

Passed the Senate July 25, 1961.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

JULY 26, 1961

Referred to the Committee on Agriculture

MARCH 28, 1962

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

HOUSE

17. APPROPRIATIONS. The Appropriations Committee reported (on Mar. 30) H. R. 11038, the second supplemental appropriation bill, 1962 (H. Rept. 1548), which includes items for ARS, AMS, and Forest Service (see table at end of this Digest for a summary of these items). The bill also includes \$25,000,000 for disaster relief assistance to States and local governments, \$17,000,000 for U. S. participation in the New York World's Fair, \$18,000 for salaries and expenses of the Delaware River Basin Commission, \$5,000,000 additional capital for the GSA general supply fund to provide for increased sales, and \$85,000,000 increased capital for the revolving fund of the Small Business Administration.

Conferees were appointed on H. R. 10526, the Treasury-Post Office Department and Executive Office of the President appropriation bill (p. 5060). Senate conferees have already been appointed.

Received from the President an amendment to the budget for 1963 involving an increase of \$6 million for the civil functions of the Department of the Army (H. Doc. 378). p. 5160

Received from the President amendments to the budget for 1963 involving a net decrease of \$265,000 for civil functions of the Corps of Engineers, Department of the Army (H. Doc. 379). p. 5160

18. FARM PROGRAM. The "Daily Digest" states that the Subcommittee on Dairy and Poultry of the Agriculture Committee "ordered reported favorably to the full committee title III /on marketing orders/ (amended), of H. R. 10010, the general farm bill. Also ordered reported subtitle C /on dairy/ (amended), of title IV, without recommendation." p. D235

19. LIVESTOCK DISEASES. Passed under suspension of the rules S. 860, to grant the Secretary of Agriculture additional authority to provide greater protection against the introduction and dissemination of diseases of livestock and poultry. pp. 5121-4

20. PERISHABLE COMMODITIES. Passed under suspension of the rules S. 1037, to amend the provisions of the Perishable Agricultural Commodities Act regarding fees, oral hearings, and relicensing. pp. 5124-6

21. SCHOOL LUNCH PROGRAM. At the request of Rep. Ford, passed over without prejudice H. R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. p. 5061

22. FORESTRY. Passed with an amendment H. R. 9822, to provide that lands within a national forest acquired under section 8 of the Act of June 28, 1934, as amended (43 U.S.C. 315g), may be added to the national forest. p. 5061

23. WILDLIFE. Passed as reported H. J. Res. 489, to provide protection for the golden eagle. pp. 5062-6

24. HONEYBEES. Passed without amendment H. R. 8050, to prohibit the importation of all honeybees of the genus *Apis* in the adult stage except for research purposes by this Department or as the Secretary shall determine. p. 5078

25. WEIGHTS AND MEASURES. At the request of Rep. Gross, passed over without prejudice H. R. 2049, to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the U. S. of the metric system of weights and measures. p. 5061

26. LOANS. Passed as reported H. R. 946, to extend to oyster planters the benefits of the provisions of the present law which provides for production disaster loans for farmers and stockmen. pp. 5078-9
27. FOREIGN TRADE. On objection of Rep. Curtis, Mo., passed over H. R. 10788, to amend section 204 of the Agricultural Act of 1956 to authorize the President to extend import-export controls to non-participants in multilateral cotton textile agreements. pp. 5079-80
28. RESEARCH. At the request of Rep. Ford, passed over without prejudice H. R. 6984, to provide for a method of payment of indirect costs of research and development contracted by the Federal Government at universities, colleges, and other educational institutions. pp. 5080-1
29. BUDGETING. Passed without amendment H. R. 10613, to repeal subsection (d) of section 16 of the Administrative Expenses Act of 1946 which requires detailed budget estimates for appropriations to be used for purchase or hire of passenger motor vehicles or for purchase, maintenance, or operation of aircraft. p. 5081
30. PERSONNEL; TRANSPORTATION. Passed without amendment H. R. 10652, to provide a more reasonable allowance for transportation of house trailers or mobile dwellings by certain governmental officers and employees upon their transfer from one official station to another. p. 5081
31. BANKING. By a vote of 255 to 94, passed under suspension of the rules H. R. 10162, to amend the Bretton Woods Agreements Act to authorize the U. S. to participate in loans to the International Monetary Fund to strengthen the international monetary system. pp. 5086-99
32. RECREATION. Passed under suspension of the rules H. R. 1171, to increase the public benefits from the national fish and wildlife conservation areas through their incidental or secondary use for public recreation. pp. 5099-102
33. TERRITORIES. Passed under suspension of the rules H. R. 10062, to extend the application of certain laws to American Samoa including extension of the provisions of the National School Lunch Act to Samoa, and authorizing the head of any Federal department to extend to American Samoa, without reimbursement, such scientific, technical, and other assistance under any program which it administers as, in the judgment of the Governor, will promote the welfare of American Samoa (pp. 5127-8). The committee report includes the following statement regarding costs: "The bill provides for no increase in authorized appropriations. The amount of aid which may be requested under section 1 of the bill is limited to \$150,000 a year ... Other items in the bill will be charged to regular departmental appropriations as need occurs."
34. EDUCATION. The Education and Labor Committee reported without amendment H. R. 10896, the proposed Adult Basic Education Act of 1962 (H. Rept. 1551). p. 5161

ITEMS IN APPENDIX

35. FOREIGN CURRENCIES. Extension of remarks of Rep. Findley stating that "an \$86 million assist to the U. S. gold problem is possible as the result of new Public Law 480 agreements which utilize a new feature of the law." pp. A2509-10

all Members who care to do so may extend their remarks following my remarks, and that all Members have 5 legislative days in which to extend their remarks in the RECORD on that subject and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CORRECTION OF VOTE

Mr. ASHLEY. Mr. Speaker, on rollcall No. 54 I am not recorded. I was present and voted "aye." I ask unanimous consent that the rollcall be corrected accordingly.

The SPEAKER. Is their objection to the request of the gentleman from Ohio?

There was no objection.

CORRECTION OF ROLLCALL

Mr. LATTA. Mr. Speaker, on rollcall No. 50 I am recorded as being absent. I was present and answered to my name. I ask unanimous consent that the RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HADASSAH—A TRULY NOBLE WORK

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PHILBIN. Mr. Speaker, I am pleased indeed to join with my able, distinguished friends from New York, [Mr. CELLER and Mr. RYAN] in hailing the 50th anniversary of the great Jewish charitable and social service activity, Hadassah.

This organization has chapters in my district and the work they perform and the good they accomplish would be difficult to measure by finite standards.

This organization represents the best traditions of kindness, mercy, and humane feeling, devotion to the aspirations and determination of a great people to labor unselfishly, to contribute most generously, and to strive wisely and humanely, to reach a firm hand of charity and assistance to those who are beset by misfortune and need.

Hadassah is comprised of loyal Americans and loyal Jews who are willing to give of themselves to help others and to exemplify in their relations with human beings the lofty idealism and noble precepts of the Golden Rule.

I congratulate Hadassah and its membership upon its anniversary and its constructive, heartwarming achievements throughout the years, and extend my best wishes for the continuance of its great work and successful expansion in the future of its solicitude and care for those who are unable to help themselves.

ANIMAL QUARANTINE LAWS

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 860) to provide greater protection against the introduction and dissemination of diseases of livestock and poultry,

and for other purposes, with committee amendments.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act unless the context indicates otherwise—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "animals" means all members of the animal kingdom including birds, whether domesticated or wild, but not including man.

(c) The term "United States" mean the States, Puerto Rico, Guam, the Virgin Islands of the United States, and the District of Columbia.

(d) The term "interstate" means from a State or other area included in the definition of "United States" to or through any other State or other such area.

SEC. 2. (a) The Secretary, whenever he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States: (1) any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry; (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movement were so affected or exposed.

(b) Whereas the existence of any dangerous, communicable disease of livestock or poultry, such as foot-and-mouth disease, rinderpest, or European fowl pest, on any premises in the United States would constitute a threat to livestock and poultry of the Nation and would seriously burden interstate and foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the outbreak of such a disease anywhere in the United States, and that such outbreak threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease: *Provided*, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction. The Secretary shall notify the appropriate official of the State or other jurisdiction before any action is taken in any such State or other jurisdiction pursuant to this subsection.

(c) The Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine and to dispose of such animal, carcass, product, or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections. If such owner or agent fails to do so after receipt of such notice, the Secretary may take action as authorized by said subsections (a) and (b) and recover from such owner or agent the reasonable costs of any care, handling, and disposal incurred by the Secretary in connection there-

with. Such costs shall not constitute a lien against the animals, carcasses, products, or articles involved. Costs collected under this section shall be credited to the current appropriation for carrying out animal disease control activities of the Department.

(d) Except as provided in subsection (e) of this section, the Secretary shall compensate the owner of any animal, carcass, product, or article destroyed pursuant to the provisions of this section. Such compensation shall be based upon the fair market value as determined by the Secretary, of any such animal, carcass, product, or article at the time of the destruction thereof. Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the animal, carcass, product, or article. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.

(e) No such payment shall be made by the Secretary for any animal, carcass, product, or article which has been moved or handled by the owner thereof or his agent knowingly in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease, for which the animal, carcass, product, or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

SEC. 3. The Secretary, in order to protect the health of the livestock or poultry of the Nation, may promulgate regulations requiring that railway cars; vessels; airplanes; trucks; and other means of conveyance; stockyards; feed, water, and rest stations; and other facilities, used in connection with the movement of animals into or from the United States, or interstate, be maintained in a clean and sanitary condition, including requirements for inspection, cleaning, and disinfection.

SEC. 4. The Secretary is authorized to promulgate regulations prohibiting or regulating the movement into the United States of any animals which are or have been affected with or exposed to any communicable animal disease, or which have been vaccinated or otherwise treated for any such disease, or which he finds would otherwise be likely to introduce or disseminate any such disease, when he determines that such action is necessary to protect the livestock or poultry of the United States.

SEC. 5. Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease; (2) to stop and inspect, without a warrant, any means of conveyance moving interstate upon probable cause to believe that such means of conveyance is carrying any animal, carcass, products, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any

Federal judge, or any judge of a court of record in the United States, or any United States commissioner, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Such warrants may be executed by any authorized employee of the Department of Agriculture.

SEC. 6. (a) Whoever knowingly violates any regulation promulgated pursuant to the provisions of sections 1 through 5 of this Act shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both.

(b) The Secretary may bring an action to enjoin the violation of, or to compel compliance with, any regulation promulgated or order issued under said sections, or to enjoin any interference by any person with an employee of the Department of Agriculture in carrying out any duties under said sections, whenever the Secretary has reason to believe that such person has violated, or is about to violate, any such regulation or order, or has interfered, or is about to interfere, with any such employee. Such action shall be brought in the United States district court, or the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the violation, omission, or interference has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found, and subpoenas for witnesses who are required to attend the court in any judicial district in any such cases may run into any other judicial district.

SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat. 734), as amended (21 U.S.C. 114a), is further amended by inserting the words "any communicable diseases of livestock or poultry, including but not limited to," after the word "eradicate".

SEC. 8. (a) The first section of the Act of March 3, 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "any animals", and by inserting after the word "disease" the words "of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia".

(b) Sections 2, 3, and 4 of such Act (33 Stat. 1264, 1265), as amended (21 U.S.C. 124, 125, 126), are further amended by striking out the phrase "cattle or other livestock" each time such phrase appears in those sections and inserting in lieu thereof the words "quarantined animals".

SEC. 9. The first proviso under the heading "General Expenses, Bureau of Animal Industry" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fifteen", approved June 30, 1914 (38 Stat. 419), as amended (21 U.S.C. 128), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "quarantined animals".

SEC. 10. Section 1114 of title 18 of the United States Code is amended by inserting after "wild birds and animals," the following: "any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or

any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the induction or dissemination of animal diseases,".

SEC. 11. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 12. The authority conferred by this Act shall be in addition to authority conferred by other statutes. Any provision of any other Act inconsistent with the provisions of this Act is hereby repealed.

SEC. 13. If any provision of this Act or application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

The SPEAKER. Is a second demanded?

Mr. HOEVEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HOEVEN. Mr. Speaker, this bill has been thoroughly considered by the Livestock and Feed Grains Subcommittee and has the unanimous approval of the Full Committee on Agriculture.

We have considered legislation of this nature since 1960. The bill has been revised since that time and now it has the support of the livestock associations which at one time expressed some reservations about it.

The basic purpose of the bill is to give the Agricultural Research Service of the U.S. Department of Agriculture the necessary authority to prevent and to control the spread of serious animal and poultry diseases in this country.

Limited authority now exists in law for controlling such diseases as blue tongue in sheep, tuberculosis in cattle, dourine in horses, and cholera in hogs. This bill extends the coverage of the law to all dangerous communicable diseases of livestock and poultry.

The bill also gives the Department of Agriculture additional authority to deal with emergency situations arising from outbreaks of these communicable diseases, similar to that now in existence in regard to those specific diseases covered by statute.

The bill also gives the Department the authority to seize, quarantine and dispose of diseased animals.

As was pointed out by the gentleman from Ohio [Mr. LATTI] during the hearings before the subcommittee, the authority to stop and inspect a person was not necessary or desirable. The committee amendment makes clear the congressional intent that private citizens shall not be stopped and personally searched under this legislation.

Some apprehension has been expressed over the grant of additional authority to the Department of Agriculture. The committee has, I am sure, recognized this fact, but due to the increased access to the United States because of the St. Lawrence Seaway and modern methods of transportation, we felt that adequate authority should be given to the Agricultural Research Service which has the responsibility of keeping our livestock population safe and healthy, thus benefiting all our farmers and all our citizens.

Mr. WRIGHT. Mr. Speaker, as author of the companion House bill, H.R. 3693, I arise in support of this measure and urge its adoption.

This bill was introduced last year in both House and Senate. Senator HUMPHREY was the author of the bill in the other body, and I introduced the bill in the House in response to suggestions made to me by representatives of the Department of Agriculture and of the American Cattlemen's Association.

Both the Cattlemen's Association and the National Wool Growers' Association have formally adopted resolutions urging the enactment of this legislation.

The purpose of the bill is to plug existing loopholes and eradicate gaps in the animal quarantine and inspection laws. These laws have grown up in patchwork fashion over the years since 1884. From time to time, the Congress has enacted specific and particular bits of legislation aimed at the control and eradication of certain specific animal diseases, such diseases in particular as renderpest and hoof and mouth disease. These laws have been superimposed one upon the other without orderly codifying.

Now, however, the Department of Agriculture points out that there exists a need to draw together in one bill the inspection and quarantine rights reposing in the Department and to broaden the coverage so as to make it apply to all dangerous communicable animal diseases that could infect and infest the livestock industry of our country to the detriment of all those engaged in that industry as well as consumers who purchase the byproducts of the industry.

The bill invests in the Secretary of Agriculture the authority he needs to inspect, quarantine, and in some cases to dispose of animals which have been exposed to these dangerous communicable animal diseases.

The annual losses suffered in this country from livestock and poultry diseases amount to \$2,700 million. Most of us recall the outbreak of hoof-and-mouth disease which occurred in Mexico in the 1950's. To control this one epidemic alone, the United States was forced to spend \$140 million in our largely successful effort to eradicate the malady before it spread to this country.

As things now stand, the authorities conveyed under existing law are sporadic and inadequate. They apply to specific animal diseases only and not to the entire broad spectrum of dangerous communicable infestation. Today, for example, animals infected with a number of newly discovered diseases such as African swine fever and African horse sickness may well slip by our health authorities because of the ambiguities in our present laws. The damage which potentially could occur if this were to happen would be devastating.

A similar measure was approved in the other body in 1960 but failed of adoption in the House. At that time there existed some question in the minds of some of the members of the House Committee on Agriculture concerning whether or not the powers being conveyed to the Secretary of Agriculture might be so sweeping as to impinge unjustly upon the rights and freedoms of people trans-

porting and selling livestock. The present bill takes into account those objections earlier voiced and contains safeguards against the possible abuse of these newly acquired powers, imposing certain restrictions upon the Secretary of Agriculture and his employees which were deemed to be in the interest of protecting individual rights.

If the Members of the House will bear with me briefly, I shall give a section by section analysis of the bill in order that we may understand exactly what it does and may see clearly just what new authorities it does grant to the Secretary of Agriculture and precisely what restrictions it imposes upon the discretionary exercise of his authorities.

Let us begin with the definitions contained in the very first section of the bill:

Subsection B removes an existing ambiguity by its definition of "animals." It defines the term to mean "all members of the animal kingdom including birds, whether domesticated or wild, but not including man." Thus we broaden the scope of the quarantine and inspection authorities of the Department of Agriculture so as not to restrict them artificially to specific members of the animal kingdom.

Subsection C defines the geographic scope of his power in keeping with the current concepts of the jurisdiction of the Secretary so as to include such territories as the Virgin Islands which were excepted in the old law of 1930.

Further in the bill, we seek by definition to give to the Department the same powers they have had in the past over specific and restricted animal diseases in order that these powers may apply to all dangerous communicable animal diseases that could threaten the livestock industry of the United States. We have discovered recently, for example, that certain animal parasites of an extremely dangerous nature have escaped from the former endemic areas of Africa. Under existing law the Department has no authority to quarantine for these particular parasitic diseases.

Section 2 conveys to the Secretary, when he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, the right to seize or quarantine and dispose of diseased animals in a reasonable manner, taking into consideration the nature of the disease and the necessity of such action to protect the livestock and poultry of the United States. These powers are granted with respect to, first, any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry; second, any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and, third, any animals which he finds have moved into

the United States, or interstate, and at the time of such movements were so affected or exposed.

Subsection (b) of section 2 gives him powers when he determines that an "extraordinary emergency" exists, because of the outbreak of such a disease anywhere in the United States, and when he finds that such an outbreak threatens the livestock or the poultry of the country to "seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease."

However, there is a provision at the end of subsection (b) which confers upon him the responsibility to cooperate with the States. This acts as a restriction upon his authorities in that it is "Provided, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction." And even then the Secretary is required to notify the appropriate official of the State or other jurisdiction before any action is taken in such State or jurisdiction.

Now subsection (c) provides that "the Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine and to dispose of such animal, carcass, product or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections."

Subsection (d) requires the Department of Agriculture to compensate, "the owner of any animal, carcass, product or article destroyed pursuant to the provisions of this section," with one exception only, wherein it states, "such compensation shall be based upon the fair market value as determined by the Secretary of any such animal, carcass, product or article at the time of the destruction thereof."

Subsection (e) describes the only exception to that requirement that the owner be compensated, and that exception applies only as described in this subsection wherein it is provided that no such payment shall be made by the Secretary to anyone who has knowingly moved or handled any such diseased animals or animal product in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease involved.

Section 3 permits the Secretary to promulgate regulations of a sanitary character for means of conveyance and facilities handling these animals, railway cars, airplanes, trucks, and other means of conveyance, stockyards, feed, water and rest stations and other facilities.

Section 4 is a regulation which prohibits importing. It permits the Secre-

tary to promulgate regulations prohibiting or regulating the importing into the United States of animals which are found to have been affected with or exposed to these dangerous communicable diseases.

Section 5 presented a point of controversy which has been equitably resolved, I believe, in the committee. It allows the Department to stop and inspect animals moving into the United States and into interstate commerce.

Subsection (1) allows the Department of Agriculture "to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such persons or means of conveyance are carrying any animal, carcass, product or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease."

And subsection (2) of section 5 allows him, "to stop and inspect, without a warrant, any means of conveyance moving interstate upon probable cause to believe that such means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease."

And then subsection (3) of section 5 allows him, "to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations."

And section 6 provides penalties for knowing violations with a fine not exceeding \$1,000 or imprisonment not exceeding 1 year.

Section 6(b) grants the Secretary some injunctive powers that the Department has not heretofore had. He can bring an action to enjoin the violation of any regulations entered into pursuant to this act or can enjoin any interference by any person with an employee of the Department of Agriculture in carrying out the duties conferred upon him by this act.

Section 7 simply broadens the prohibited diseases under the law, as I mentioned a moment ago, by amending the old act so as to insert the words, "any communicable disease of livestock or poultry, including, but not limited to," after the word "eradicate."

Section 8 similarly broadens the scope of the law as to animals affected. Heretofore, there has been some question as to just which animals were involved in the quarantine laws. Poultry, for instance, have been in a field of question, but in this case it makes clear that it is to apply to livestock or poultry, or that the contagion of any disease exists, or vectors which may disseminate any such disease exists in such State or territory or the District of Columbia. And we would hark back to the very first page, where the definition, under subsection (b) defines, "the term 'animals' to mean all members of the animal kingdom including birds, whether domesticated or wild, but not including man."

The rest of the act is primarily technical. Section 9 similarly broadens the language of the old act so as to refer to quarantined animals.

Section 10 makes it clear that it does apply in the territories of the United States, in some of which the old act did not apply.

Section 11 allows the Secretary to issue regulations for carrying out the provisions of the act. And sections 12 and 13 are the usual savings clauses contained in all such legislation.

Mr. Speaker, I believe this bill needs to be passed in this session of the Congress. The domestic livestock and poultry business of our Nation is an industry producing a gross annual income of more than \$15 billion. In my own State of Texas alone, it provides an income in excess of \$900 million annually. The health and welfare of this great American industry is presently threatened by the somewhat sporadic nature of our existing laws and the unintended restrictions imposed by those laws upon the powers of the Department of Agriculture to move swiftly and effectively to stamp out and eradicate potentially dangerous diseases. This bill removes those unfortunate restrictions and enables the Department to perform its work while protecting the legal rights and privileges of all people legitimately engaged in that industry. I urgently recommend its adoption and request the support of the Members of the House.

The SPEAKER. The question is on suspending the rules and passing the bill S. 860, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDMENTS TO PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs (6) and (7) of the first section of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a), are amended to read as follows:

"(6) The term 'dealer' means any person engaged in the business of buying or selling in wholesale or jobbing quantities, as defined by the Secretary, any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a 'dealer' in respect to sales of any such commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a 'dealer' until the invoice cost of his purchases of such commodity in any calendar year are in excess of \$100,000; and (C) no person buying any such commodity for canning and/or processing within the State where grown shall be considered a 'dealer'

whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice, or consists of cherries in brine, within the meaning of paragraph 4 of this section. Any person not considered as a 'dealer' under clauses (A), (B), and (C) may elect to secure a license under the provisions of section 3, and in such case and while the license is in effect such person shall be considered as a 'dealer';

"(7) The term 'broker' means any person engaged in the business of negotiating sales and purchases of any perishable agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, respectively, except that no person shall be deemed to be a 'broker' if such person is an independent agent negotiating sales for and on behalf of the vendor and if the only sales of such commodities negotiated by such person are sales of frozen fruits and vegetables;"

SEC. 2. The first section of such Act (7 U.S.C. 499a) is further amended by adding at the end thereof the following new paragraphs:

"(9) The term 'responsibly connected' means affiliated or connected with a commission merchant, dealer, or broker as (A) partner in a partnership, or (B) officer, director, or holder of more than 10 per centum of the outstanding stock of a corporation or association;

"(10) The terms 'employ' and 'employment' mean any affiliation of any person with the business operations of a licensee, with or without compensation, including ownership or self-employment."

SEC. 3. The third sentence of section 3(b) of such Act (7 U.S.C. 499c(b)) is amended to read as follows: "Upon the filing of the application, and annually thereafter, the applicant shall pay such fee as the Secretary determines necessary to meet the reasonably anticipated expenses for administering this Act and the Act to prevent the destruction or dumping of farm produce, approved March 3, 1927 (7 U.S.C. 491-497), but in no event shall such fee exceed \$60. Such fee, when collected, shall be deposited in the Treasury of the United States as a special fund, without fiscal year limitation, to be designated as the 'Perishable Agricultural Commodities Act Fund', which shall be available for all expenses necessary to the administration of this Act and the Act approved March 3, 1927, referred to above: *Provided*, That financial statements prescribed by the Director of the Bureau of the Budget for the last completed fiscal year, and as estimated for the current and ensuing fiscal years, shall be included in the budget as submitted to the Congress annually. The Secretary shall give public notice of any increase to be made in the annual fee prescribed by him hereunder and shall allow a reasonable time prior to the effective date of such increase for interested persons to file their views on or objections to such increase."

SEC. 4. Section 3 of such Act (7 U.S.C. 499c) is further amended by adding at the end thereof the following new subsection:

"(c) A licensee may conduct business in more than one trade name or change the name under which business is conducted without requiring an additional or new license. The Secretary may disapprove the use of a trade name, if in his opinion, the use of the trade name by the licensee would be deceptive, misleading, or confusing to the trade, and the Secretary may, after notice and opportunity for a hearing, suspend for a period not to exceed ninety days the license of any licensee who continues to use a trade name which the Secretary has disapproved for use by such licensee. The Secretary may refuse to issue a license to an applicant if he finds that the trade name in which the applicant proposes to do business would be deceptive, misleading, or con-

fusing to the trade if used by such applicant."

SEC. 5. Section 4(a) of such Act (7 U.S.C. 499d(a)) is amended by inserting before the period at the end thereof "*: And provided further*, That the license of any licensee shall terminate upon said licensee, or in case the licensee is a partnership, any partner, being discharged as a bankrupt".

SEC. 6. Section 4(b) of such Act (7 U.S.C. 499d(b)) is amended to read as follows:

"(b) The Secretary shall refuse to issue a license to an applicant if he finds that the applicant, or any person responsibly connected with the applicant, is a person who, or is or was responsibly connected with a person who—

"(A) has had his license revoked under the provisions of section 8 within two years prior to the date of the application or whose license is currently under suspension;

"(B) within two years prior to the date of application has been found after notice and opportunity for hearing to have committed any flagrant or repeated violation of section 7, but this provision shall not apply to any case in which the license of the person found to have committed such violation was suspended and the suspension period has expired or is not in effect;

"(C) within two years prior to the date of the application, has been found guilty in a Federal court of having violated the provisions of the Act of March 3, 1927 (7 U.S.C. 491-497), relating to the prevention of destruction and dumping of farm produce; or

"(D) has failed, except in the case of bankruptcy and subject to his right of appeal under section 7(c), to pay any reparation order issued against him within two years prior to the date of the application."

SEC. 7. Section 4(c) of such Act (7 U.S.C. 499d(c)) is amended to read as follows:

"(c) Any applicant ineligible for a license by reason of the provisions of subsection (b) of this section may, upon the expiration of the two-year period applicable to him, be issued a license by the Secretary if such applicant furnishes a surety bond in the form and amount satisfactory to the Secretary as assurance that his business will be conducted in accordance with this Act and that he will pay all reparation orders which may be issued against him in connection with transactions occurring within four years following the issuance of the license, subject to his right of appeal under section 7(c). In the event such applicant does not furnish such a surety bond, the Secretary shall not issue a license to him until three years have elapsed after the date of the applicable order of the Secretary or decision of the court on appeal. If the surety bond so furnished is terminated for any reason without the approval of the Secretary the license shall be automatically canceled as of the date of such termination and no new license shall be issued to such person during the four-year period without a new surety bond covering the remainder of such period. The Secretary, based on changes in the nature and volume of business conducted by a bonded licensee, may require an increase or authorize a reduction in the amount of the bond. A bonded licensee who is notified by the Secretary to provide a bond in an increased amount shall do so within a reasonable time to be specified by the Secretary, and upon failure of the licensee to provide such bond his license shall be automatically suspended until such bond is provided."

SEC. 8. Subsections (c) and (d) of section 6 of such Act (7 U.S.C. 499f) are amended by striking out "\$500" each place it appears and inserting in lieu thereof "\$1,500".

SEC. 9. Section 7(c) of such Act (7 U.S.C. 499g(c)) is amended by striking the second sentence thereof and substituting therefor the following: "Such appeal shall be perfected by the filing with the clerk of said court a notice of appeal, together with a petition

13. APPROPRIATIONS. Passed as reported H. J. Res. 745, appropriating funds for those items in the second supplemental appropriation bill which were apportioned on a basis indicating a necessity for a deficiency or supplemental estimate (pp. 10672-80). This measure was reported with amendments on June 22, during adjournment of the Senate (S. Rept. 1617) (p. 10620). As passed the resolution included an amendment by the Senate Appropriations Committee for \$25 million for farm operating loans in the direct loan account authorized by the Consolidated Farmers Home Administration Act of 1961 (pp. 10672). See Digest 97 for other items of interest.

Sen. Mansfield urged the Senate and House Appropriations Committee to put aside for the present their differences in the appropriations dispute and let a "bipartisan and bicameral group of Members" of Congress consider the matter later. pp. 10623-4

14. TOBACCO. Passed as reported S. J. Res. 201, to extend the time by which a lease transferring a tobacco acreage allotment may be filed. pp. 10682

15. CROP INSURANCE. Passed without amendment S. 2859, to increase from 100 to 150 the number of new counties in which crop insurance may be offered each year. p. 10683

16. EXPORT CONTROL. Passed, by a vote of 59 to 1, S. 3161, to extend permanently the Export Control Act (pp. 10621-3, 10630-4, 10649-50, 10652-68, 10680-1). By a vote of 57 to 2, agreed to amendments by Sen. Keating to increase penalties for serious or repeated violations of export controls (pp. 10650, 10652-10668).

17. LIVESTOCK-POULTRY DISEASES. Concurred in the House amendments to S. 860, to grant the Secretary of Agriculture additional authority to provide greater protection against the introduction and dissemination of diseases of livestock and poultry. This bill will now be sent to the President. p. 10623

Passed without amendment S. 3120, to grant the Secretary of Agriculture additional authority to permit the interstate movement of certain diseased livestock and poultry. pp. 10683-4

18. TAXES. The Finance Committee reported with amendments H. R. 11879, to extend for one year existing corporate normal tax rate and certain excise tax rates (S. Rept. 1616). p. 10620

This bill was made the unfinished business of the Senate. p. 10684

19. DATA PROCESSING; CONTRACTS. Received from GAO a report on the review of selected aspects of awards by GSA and administration by certain using agencies of contract for rental of electronic data processing equipment. p. 10620

20. RETIREMENT. Received from the Civil Service Commission a report of the Board of Actuaries of the Civil Service Retirement System. p. 10620

21. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment S. 1912, to increase the appropriation authorization for the completion of the construction of the irrigation and power systems of the Flathead Indian irrigation project, Mont. (S. Rept. 1618). p. 10620

22. FARM PROGRAM. Several Senators discussed the defeat of the farm bill by the House. pp. 10624-9

Senators Humphrey and Kuchel debated farm policy issues. pp. 10694-9, 10699-700

23. AGRICULTURAL AID; GUAM. Passed without amendment S. 2121, to authorize the Secretary of Agriculture to establish and maintain Federal agricultural services on Guam. p. 10683
24. SUGAR. Sen. Proxmire supported the administration's sugar bill in preference to the sugar bill passed by the House, stating that "Congress should pass the administration sugar bill by June 30, or let the present program expire." pp. 10669-72
25. FOOD-FOR-PEACE. Sen. Humphrey commended and inserted a letter commending the food-for-peace program. pp. 10688-90
26. DISASTER AREAS. Sen. Humphrey commended this Department for providing assistance to counties in northwestern Minn. declared disaster areas because of recent heavy rains and urged additional assistance for the areas. pp. 10692-4
27. WHEAT. Sen. Carlson discussed the importance of wheat to the economy of Kan. and inserted an editorial on the matter. p. 10672
28. LAND-GRANT COLLEGES. Sen. Hruska commended the work of the land-grant colleges on their 100th anniversary. p. 10649
29. FLOOD CONTROL. Sen. Williams, N. J., urged enactment of legislation to authorize a study of alternative programs for providing financial assistance resulting from flood disasters. p. 10645
30. FOREIGN TRADE. Sen. Javits inserted an editorial supporting enactment of foreign trade legislation. pp. 10635-6
31. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the corporate and excise tax extension bill will be considered Mon., followed during the week by consideration of the sugar bill and the public debt limit bill. He stated that the Senate would conduct no business on July 4. pp. 10684-5
32. ADJOURNED until Mon., June 25, p. 10700

ITEMS IN APPENDIX

33. FARM PROGRAM. Extension of remarks of Rep. Cunningham stating that the American farmer did not want the farm bill and that the "majority in Congress stood up for the American farmer," and inserting an article. pp. A4732-3
Extension of remarks of Rep. Harrison, Va., stating that "the action of the House does not mean that sound legislation cannot and should not be passed at this session of Congress" and that "I want to earnestly disagree with the criticism and abuse of Secretary of Agriculture Freeman." p. A4735
Extension of remarks of Rep. St. George inserting an article, "The Story of a Fight--Here are Some of the Amazing Maneuvers That Have Been Going On Behind the Scenes in the Farm Bill Battle." pp. A4742-3
Extension of remarks of Rep. Nelsen inserting a farm program suggestion from the Wallace's Farmer magazine. p. A4746
34. SUGAR. Extension of remarks of Rep. Langen inserting an article, "Over Half Million Dollars In Fees Bonanza Due Many Lobbyists in Wake of New Sugar Bill." pp. A4741-2
Extension of remarks of Rep. Lindsay stating that the "sugar bill which passed the House last week was the wrong approach to an important and difficult problem," and inserting an article, "Sweet and Sour." p. A4745

strengthen, in my judgment, our hand in the worldwide struggle with which we are faced.

Mr. STENNIS. I thank the Senator. I do not know the nature of the amendments to which he refers. I hope they are something I can support. I do not know that what I was striking at would apply in that bill. I know it would apply more directly in the other bill.

Mr. KEATING. The problem the Senator was striking at was the problem of our aid to other countries which either are Communist or are building up the Communist potential.

Mr. STENNIS. That is correct.

Mr. KEATING. The problem before us today is with regard to our own export policies and the question of our exports of strategic goods to iron curtain countries. I hope the Senator will be able to hear the debate.

Mr. STENNIS. I thank the Senator. I merely did not want to pledge myself now to supporting the amendments when I did not know what they were.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

THE LAST B-52

Mr. CARLSON. Mr. President, the last Air Force B-52H on order for the Strategic Air Command was rolled out yesterday at 11:40 a.m. central standard time from final assembly at the Boeing Co.'s Military Aircraft Systems Division in Wichita, Kans.

There was no fanfare connected with the rollout of the last B-52, the Nation's only long-range manned bomber in operational service today. I feel, however, it is the time to pay tribute to a great aircraft and to a great aircraft company.

It was my privilege to be present at Boeing, Wichita, when the first of the great four-engine long-range B-29's was rolled off this same assembly line back in September of 1942. Since that date Boeing, Wichita, and Boeing, Seattle, have been the great centers for the production of Air Force aircraft.

The final B-52H was moved out of the same area where 466 of the eight-jet global weapon systems were produced before it, and towed across the ramp to the paints and finishes hangar. It emerges from the same area where 1,390 six-jet B-47 medium bombers and 1,644 four-engine, long-range B-29's also were built for the Air Force.

At its peak, the B-52 manufacturing program provided employment for some 35,000 persons in Wichita and created a subcontractor-supplier network of nearly 4,000 firms in 43 of the Nation's 50 States.

History of the B-52 Stratofortress dates back to 1946, when the Air Force set up basic requirements for the new weapon system. The first one was flown April 15, 1952, and on September 4, 1954, the YB-52 traveled from Seattle to Dayton, Ohio, to the National Aircraft Show at an average speed of 624 miles an hour, better than the jet fighters in the Bendix trophy race that year.

Equipped with Pratt & Whitney turbofan engines, each developing 17,000

pounds of thrust, the B-52H has an unrefueled range of more than 12,500 miles and is capable of delivering nuclear or conventional weapons from its bomb bays to any military target on earth.

The B-52H also will carry four long-range hypersonic Skybolt ballistic missiles, when they become operational, enabling it to strike multitargets thousands of miles apart on a single mission. In the meantime, it is armed with two supersonic Hound Dog missiles.

Among B-52H refinements is the advanced capability radar system which permits "treetop" level strike runs of hundreds of miles on an unerring course. At the other extreme, the 488,000-pound intercontinental bomber has been flown to altitudes above 60,000 feet.

Outstanding B-52 records include an around-the-world flight in 45 hours and 19 minutes set by three B-52's January 18, 1957, and a 10,000-mile closed circuit course by SAC B-52G December 14, 1960. A SAC B-52H topped this mark by 1,303 miles on June 7, 1962, without refueling, setting new speed and distance records. A SAC B-52H also claimed 11 distance, course, and speed records for an unrefueled flight of 12,519 miles, from Okinawa to Torrejon, Spain, on January 11, of this year.

The Air Force said:

Addition of the B-52H to SAC's operational inventory significantly increases the Command's deterrent capability. With its added capability to launch Hound Dog missiles and later the Skybolt air-launched ballistic missiles, the B-52H represents the most flexible deterrent found in this country today.

Although the production effort is ended, the B-52 fleet will continue to serve as a front-line defense system for many years to come. Air Force officials have indicated that the B-52 fleet will be constantly improved to meet continuing changes in future defense requirements.

With the rollout of the last mighty B-52 aircraft, another milestone in superior defense aircraft production has been reached by the Boeing Co. and her thousands of skilled employees.

PROTECTION AGAINST DISSEMINATION OF LIVESTOCK AND POULTRY DISEASES

Mr. ELLENDER. Mr. President, I ask the Presiding Officer to lay before the Senate a message from the House of Representatives pertaining to S. 860.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 860) to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes, which were, on page 2, line 24, strike out "extremely"; on page 5, line 5, strike out "knowingly"; on page 5, line 6, after "agent" insert "knowingly"; on page 6, line 23, strike out "person or", and on page 6, line 25, strike out "person or".

Mr. ELLENDER. Mr. President, the amendments to S. 860 which were adopted by the House of Representatives are minor and principally of a technical nature. S. 860 is a comprehensive law dealing with animal quarantine

problems. Our animal quarantine laws have been enacted from time to time to meet particular situations and have been made applicable to specific animals, diseases or circumstances. They fail to cover or provide different authority with respect to other animals, diseases or circumstances where there should be broad and uniform authority. S. 860 provides that authority. The House amendments make three changes in the bill. First, the word "extremely" would be omitted in one place where it appears to be redundant. Second, the word "knowingly" would be transposed for the purposes of clarity. Third, the authority to stop and inspect persons without a warrant would be omitted. The authority to stop and inspect means of conveyance would be left in the bill.

I move that the Senate concur in the House amendments.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

DISPUTE BETWEEN APPROPRIATIONS COMMITTEES OF THE TWO HOUSES OF CONGRESS

Mr. MANSFIELD. Mr. President, the Nation may presently view with a kind of humor the dispute which has developed between the Appropriations Committees of the two Houses. If this situation persists much longer, however, the Nation as a whole will discover that it is not a laughing matter. There will be payless pay days for an ever-increasing number of Government employees, even as there already are for the Secret Service. There will be work stoppages throughout the Nation and thousands thrown out of employment in industries dependent on defense and other Government contracts. No part of the Nation will escape the disastrous effects of this jurisdictional dispute. There is no Taft-Hartley law, no Presidential seizure powers, which can be invoked in this instance. The responsibility is solely ours—that of the two Houses of Congress.

Parliamentary difficulties of this kind have occurred in other nations. We have been amused by them, safe in the assumption that they could not happen here. But we are close to the point in this dispute when this Nation may well become the object of ridicule.

Mr. President, I do not underestimate the importance of symbolism and protocol in the legislative branch of the Government. It is immensely important for orderly procedure. But it seems to me that we had best be on guard lest an obsession with the form erode the substance of our function.

I daresay that if this matter were put to a vote in the Senate at this time, this body would support the position of its Appropriation Committee 100 percent. By the same token, if the matter were put to a vote in the other House, the results would be the same in support of their committee. Each body would have thus proved its fealty to its own segment of the institution of the Congress. In so doing, however, we

would have each placed the institution above the needs of the Nation; and on a matter, moreover, which is to all outward appearances not one of substance. I cannot believe that either the Senate or the House is prepared to quibble in this fashion at the expense of the Nation. Therefore, Mr. President, I am inclined to think that there is more at stake here than protocol or procedure. Underlying this dispute may well be a deeper and more fundamental issue which has to do with the relative importance and power of the House and the Senate in the total constitutional structure of this Government.

As Members of the Senate know, I have seen service both in the House and the Senate—almost an equal number of years in each. I have always assumed and acted on the assumption that the two bodies were of coequal importance and power, except where the Constitution specifically designates a somewhat emphasized or unique role for the one or the other. I have always assumed that the protocol and procedures of the conference committees—taken as a whole—reflected this equality with reasonable faithfulness. I am at a loss, therefore, to understand why the House has challenged this situation in this instance after so many years of established practice.

I should not foreclose the possibility that there may be a just grievance here. But I do not think that the question is properly viewed on the basis of one conference committee alone. I think the problem, if there is one, must be seen in the perspective of the sum-total of the relationships of the two Houses. And I most certainly do not believe that a dispute in one conference committee should go on unnoticed by the rest of the two Houses until it reaches the point that it threatens to throw into disrepute the entire Congress and to embarrass the entire Nation. Each House is responsible for its committees. Both Houses are responsible to the Nation.

If there is a problem, if there are just grievances, if the procedures and protocol do not reflect the essential equality of the two Houses, reason suggests that the whole question of the conference as between the two Houses and not merely the question in this one Committee be examined in the leisure of adjournment by bipartisan groups from both Houses meeting together and soberly considering the matter. Reason suggests, further, that the interests of the entire Congress and the Nation would be served in the interim by the two committees proceeding in general as they have proceeded for years and decades without prejudice to any claim which may be made for subsequent adjustment in protocol or procedure in terms of the total relationships of the two Houses.

If this dispute can be resolved on this basis, I would be most happy to support a thorough and dispassionate review of the entire situation by a bipartisan and bicameral group of Members in the ensuing months.

I must emphasize that even as this Government depends on checks and balances, it depends equally on restraint

and comity as among the branches and within the branches. The latter can be ignored only at the risk of the breakdown of orderly government.

HOUSE REJECTION OF THE KENNEDY FARM PROGRAM

Mr. WILLIAMS of Delaware. Mr. President, a couple more victories for the American taxpayers such as was achieved the day before yesterday when the House defeated the Kennedy-Freeman farm program will do more to restore the confidence of the business world than all the speeches that can be made at Yale and Harvard combined.

Both the American taxpayers and the American farmers scored a tremendous victory when the House rejected the Kennedy farm program. Instead of the administration's farm program saving the American taxpayers \$1 billion annually, it would have cost at least \$1 billion more than the present program as the result of the higher support prices and the higher production payments provided for in the administration's plan.

The taxpayer-farmer victory does represent a great loss to the corporate type of farming operations such as I described last week when I pointed out how some of our major corporations, banks, penitentiaries, airports, et cetera, under the Kennedy feed grains program were all reaping tremendous windfalls. It was a death blow to the Billie Sol Estes type of operations.

Secretary Benson advocated a lower and more realistic support price for feed grains and reduced government controls, but for years Congress has rejected his plan and insisted upon a continuation of the higher support program. The Kennedy-Freeman program would have increased these already high supports even further, and then to control production they proposed to place the American farmers in a straitjacket of controls whereby they could be sent to the penitentiary for disobeying any whim of some New Frontier bureaucrat.

As proof that the Kennedy farm program would not cut surpluses I call attention to the fact that under the 1961 Kennedy feed grains program more corn was placed under Government loan and in Government warehouses than ever before.

The administration's pious claim that it could further increase support prices on all feed grains and still cut the overall cost of the farm program was just too fantastic for Congress to swallow.

The President has charged the Republican Party with the sole responsibility for the defeat of the Kennedy-Freeman farm program. As one Republican, I accept this charge as a compliment and welcome to the Republican Party, the 48 Democratic Congressmen who joined us in defeating this bill and whom the President is now repudiating.

The real reason for the defeat of the Kennedy-Freeman farm program can be summed up in just one sentence: Congress, as well as the business world, is becoming concerned and alarmed

over what appears to be the insatiable greed for power on the part of the Kennedy Frontiersmen.

The solution to the farm program is for the Government to begin an orderly withdrawal from the support and control of the American farmers rather than the adoption of a plan to extend such supports and controls even further. This does not mean that we can repeal these programs overnight and thereby dump the \$8 billion inventories on the market as threatened by the administration. This would create chaos both domestically and internationally, but certainly you do not correct a bad situation by expanding the evils which created it.

Mr. MORSE. Mr. President, the speech of the Senator from Delaware was very interesting. It was very interesting indeed. The great economizer from Delaware apparently is not interested in the \$1 billion that would have been saved if the farm bill had been passed.

The farm bill was not a perfect bill. It could have stood some improvement. Some of us who were among its advocates had recommended improvements. I am willing to take to the Republican Party in the coming campaign the farm issue, if the Republicans wish to make it a political issue. Although I think the subject should be a nonpartisan issue, I am ready to take them on, as I am ready to take on that great white collar farmer from Gettysburg, Pa., whose farm was principally subsidized by gifts. When he was President of the United States, the great white-collar farmer from Gettysburg, in clear violation of the spirit, intent, and ethical standards of the conflict-of-interest doctrine, accepted gifts of livestock, farm machinery, and many other gifts connected with equipping his farm, amounting to many, many thousands of dollars in value. He should be about the last person in the country to comment upon the farm subsidy issue or for that matter any other subsidy issue including stockpile subsidies to his business cronies.

Last night the great farmer from Gettysburg who suggested that the old people in our country should not support a medical bill under social security at the Sheraton-Park Hotel had much to say on the farm question. The great farmer from Gettysburg does not have to worry about ever paying a hospital bill. The old people of the country should repudiate and resent his views on medicare just as the farmers should remind him that 8 years of his Benson farm program will go down in history as a gross injustice to the farmers.

He is against social security protection for the health needs of the old people of America, but the old people should not forget that he has been taken care of all his adult life at the expense of the taxpayers of the country in Government hospitals. I speak of the medical bills paid for by all the taxpayers for the pocket benefit of the great farmer from Gettysburg who drew a partisan line last night on the farm issue. His petulant speech attacking the Kennedy adminis-

Public Law 87-518
87th Congress, S. 860
July 2, 1962

STAT.



An Act

76 STAT. 129.

To provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act unless the context indicates otherwise—

- (a) The term "Secretary" means the Secretary of Agriculture.
- (b) The term "animals" means all members of the animal kingdom including birds, whether domesticated or wild, but not including man.
- (c) The term "United States" means the States, Puerto Rico, Guam, the Virgin Islands of the United States, and the District of Columbia.

Agriculture.
Livestock and
poultry dis-
eases.
Definitions.

- (d) The term "interstate" means from a State or other area included in the definition of "United States" to or through any other State or other such area.

SEC. 2. (a) The Secretary, whenever he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States: (1) any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry; (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movement were so affected or exposed.

Authority.

(b) Whereas the existence of any dangerous, communicable disease of livestock or poultry, such as foot-and-mouth disease, rinderpest, or European fowl pest, on any premises in the United States would constitute a threat to livestock and poultry of the Nation and would seriously burden interstate and foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the outbreak of such a disease anywhere in the United States, and that such outbreak threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease: *Provided*, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction. The Secretary shall notify the appropriate official of the State or other jurisdiction before any action is taken in any such State or other jurisdiction pursuant to this subsection.

Limitation.

(c) The Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine and to dispose of such animal, carcass, product, or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections. If such owner or agent fails to do so after receipt of such notice, the Secretary may take action as authorized by said subsections (a) and (b) and recover from such owner or agent the

Notice.

reasonable costs of any care, handling, and disposal incurred by the Secretary in connection therewith. Such costs shall not constitute a lien against the animals, carcasses, products, or articles involved. Costs collected under this section shall be credited to the current appropriation for carrying out animal disease control activities of the Department.

Compensation.

(d) Except as provided in subsection (e) of this section, the Secretary shall compensate the owner of any animal, carcass, product, or article destroyed pursuant to the provisions of this section. Such compensation shall be based upon the fair market value as determined by the Secretary, of any such animal, carcass, product, or article at the time of the destruction thereof. Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the animal, carcass, product, or article. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.

(e) No such payment shall be made by the Secretary for any animal, carcass, product, or article which has been moved or handled by the owner thereof or his agent knowingly in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease, for which the animal, carcass, product, or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

Regulations,
promulgation.

SEC. 3. The Secretary, in order to protect the health of the livestock or poultry of the Nation, may promulgate regulations requiring that railway cars; vessels; airplanes; trucks; and other means of conveyance; stockyards; feed, water, and rest stations; and other facilities, used in connection with the movement of animals into or from the United States, or interstate, be maintained in a clean and sanitary condition, including requirements for inspection, cleaning, and disinfection.

SEC. 4. The Secretary is authorized to promulgate regulations prohibiting or regulating the movement into the United States of any animals which are or have been affected with or exposed to any communicable animal disease, or which have been vaccinated or otherwise treated for any such disease, or which he finds would otherwise be likely to introduce or disseminate any such disease, when he determines that such action is necessary to protect the livestock or poultry of the United States.

Inspections and
seizures.

SEC. 5. Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease; (2) to stop and inspect, without a warrant, any means of conveyance moving interstate upon probable cause to believe that such means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or

regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any Federal judge, or any judge of a court of record in the United States, or any United States commissioner, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Such warrants may be executed by any authorized employee of the Department of Agriculture.

SEC. 6. (a) Whoever knowingly violates any regulation promulgated pursuant to the provisions of sections 1 through 5 of this Act shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both.

Penalties.

(b) The Secretary may bring an action to enjoin the violation of, or to compel compliance with, any regulation promulgated or order issued under said sections, or to enjoin any interference by any person with an employee of the Department of Agriculture in carrying out any duties under said sections, whenever the Secretary has reason to believe that such person has violated, or is about to violate, any such regulation or order, or has interfered, or is about to interfere, with any such employee. Such action shall be brought in the United States district court, or the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the violation, omission, or interference has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found, and subpoenas for witnesses who are required to attend the court in any judicial district in any such cases may run into any other judicial district.

Enforcement provisions.

SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat. 734), as amended (21 U.S.C. 114a), is further amended by inserting the words "any communicable diseases of livestock or poultry, including, but not limited to," after the word "eradicate".

70 Stat. 1032.

SEC. 8. (a) The first section of the Act of March 3, 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "any animals", and by inserting after the word "disease" the words "of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia".

(b) Sections 2, 3, and 4 of such Act (33 Stat. 1264, 1265), as amended (21 U.S.C. 124, 125, 126), are further amended by striking out the phrase "cattle or other livestock" each time such phrase appears in those sections and inserting in lieu thereof the words "quarantined animals".

SEC. 9. The first proviso under the heading "General Expenses, Bureau of Animal Industry" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fifteen", approved June 30, 1914 (38 Stat. 419), as amended (21 U.S.C. 128), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "quarantined animals".

65 Stat. 721.

SEC. 10. Section 1114 of title 18 of the United States Code is amended by inserting after "wild birds and animals," the following: "any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases,".

Regulations.

SEC. 11. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 12. The authority conferred by this Act shall be in addition to authority conferred by other statutes. Any provision of any other Act inconsistent with the provisions of this Act is hereby repealed.

Separability.

SEC. 13. If any provision of this Act or application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Approved July 2, 1962.

U.S.D.A.
SEA/TIS
LAW LIBRARY
ROOM 1406 SOUTH
WASHINGTON D.C. 20250